

HISTORICAL

Keosauqua is reputed to have been laid off in April 1839, by John Carnes, James Hall, James Manning, Edwin Manning, John F. Fairman, and Robert Taylor who composed the "Van Buren Company". Keosauqua was incorporated as a city under a general act of the legislature, February 17, 1842. The original act not being deemed sufficient to cover the ground, a special act was passed in 1846. The town was again "chartered" by enactment of the Third General Assembly of Iowa, on February 5, 1851 and on May 5, 1880, was reorganized under the general incorporation laws.

The first meeting was held January 7, 1843, with James Hall, Mayor; William Kemp, Recorder; and James B. Howell Deputy Recorder. Nothing was done, however, until a meeting on May 13, 1884, for which the people had elected a City Council composed of Elisha Cutler – Mayor; Edward R Tyler – Recorder; and James J. Kinersly, Henry M Shelby, Richard Humphries, Benson Henkle, and Stephen Livingston as Alderman. It is believed that the first claimant of squatter on the site of the present town herein, in the winter of 1835-36. On June 18, 1880, all ordinances, which had previously been adopted, were repealed, and a new set of Ordinances were adopted on the same date.

On September 18, 1952 a complete revision of the June 18, 1880 Ordinances were made by the Town Council of that date and again revised in December of 1979, July 2011 and July 2018. Ordinances adopted subsequent to this revision will likewise appear as adopted in the subsequent pages of this record.

The following Ordinances constitute a revision and updating of city ordinances through December 2023. The officers of the city at this time are as follows:

MAYOR: MELISSA MAHON

COUNCIL: PENNY JONES
TOM ALLEN
CAROL HARLAN
KARA MCENTEE
CHARLES LAZENBY

CLERK: MISSY HARWARD

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TITLE I – GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

1-1-1	Definitions	1-1-4	Construction
1-1-2	Grammatical Interpretation	1-1-5	Amendment
1-1-3	Prohibited Acts-Include Causing, Permitting	1-1-6	Severability

- 1-1-1 DEFINITIONS.** The following words and phrases, whenever used in the Ordinances of the City, shall be construed as defined in this Section unless, from the context, a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:
1. "Building" means any man-made structure permanently affixed to the ground.
 2. "City" means the City of Keosauqua, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
 3. "Clerk" means Clerk-Treasurer.
 4. "Computation of Time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
 5. "Council" means the City Council of the City of Keosauqua. All its members or all Council persons mean the total number of Council persons provided by the City Charter under the general laws of the State;
 6. "County" means the County of Van Buren, Iowa;
 7. "Fiscal Year" means July 1 to June 30.
 8. "Law" denotes applicable Federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;
 9. "May" confers a power;
 10. "Month" means a calendar month
 11. "Must" states a requirement;
 12. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";
 13. "Or" may be read "and" and "and" may be read "or" if the context requires it.
 14. "Ordinance" means a law of the City; however, an administrative action, order, or directive, may be in the form of a resolution.
 15. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, or the whole or part of such building or land.
 16. "Person" means natural person, another legal entity recognized by the State, or the manager, lessee, agent, servant, officer or employee of any of them.
 17. "Personal Property" includes money, goods, chattels, things in action and evidences of debt.

18. "Preceding" and "following" mean next before and next after respectively;
19. "Property" includes real and personal property.
20. "Real Property" includes any interest in land.
21. "Shall" imposes a duty.
22. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
23. "State" means the State of Iowa.
24. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.
25. "Tenant" and "Occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.
26. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City.
27. "Writing" and "Written" includes printed, typewritten, or electronically transmitted such as facsimile or electronic mail.
28. "Year" means a calendar year.
29. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
30. When an act is required by an Ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 **GRAMMATICAL INTERPRETATION.** The following grammatical rules shall apply in the Ordinances of the City;

1. **Gender.** Any gender includes the other gender.
2. **Singular and Plural.** The singular includes the plural and the plural includes the singular.
3. **Tenses.** Words used in the present tense include the past and the future tenses and vice versa.
4. **Use of Words and Phrases.** Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 **PROHIBITED ACTS INCLUDE CAUSING, PERMITTING.** Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 **CONSTRUCTION.** The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-5 **AMENDMENT.** All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Keosauqua Municipal Code of 2011 constituting this municipal code, and shall include proper references to Chapter and Section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any Section, provision, or part of the City Code is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any Section, provision or part thereof not adjudged invalid or unconstitutional.

TITLE I – GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry.

- 1-2-1. RIGHT OF ENTRY.** Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building, or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same, and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if such person can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I – GENERAL PROVISIONS

CHAPTER 3 PENALTY

1-3-1	General Penalty	1-3-2	Civil Penalty – Municipal Infraction
		1-3-3	Scheduled Fines

1-3-1. GENERAL PENALTY.

The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a). No violation of the City Code shall subject an individual to incarceration.

(Code of Iowa, Sec. 903.1(1)(a))

(Code of Iowa, Sec 364.3 (2))

1-3-2. CIVIL PENALTY – MUNICIPAL INFRACTION.

(Code of Iowa, Sec. 364.22)

1. Definitions.

- a. Municipal Infraction. Except those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor or a simple misdemeanor under Chapters 687 through 747 of the Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances of the City of Keosauqua, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances of the City of Keosauqua, or any Ordinance or Code herein adopted by reference is a “municipal infraction”, and is punishable by civil penalty as provided herein.
- b. Officer. The term “officer” shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Keosauqua.
- c. Repeat Offense. The term “repeat offense” shall mean a recurring violation of the same Section of the Code of Ordinances of the City of Keosauqua.

2. Violations, Penalties, and Alternative Relief.

- a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

SCHEDULE OF CIVIL PENALTIES

FIRST OFFENSE – Not more than seven hundred fifty dollars (\$750.00)

SECOND OFFENSE – Not more than eight hundred seventy-five dollars (\$875.00)

REPEAT OFFENSES – Not more than one thousand dollars (\$1,000)

- b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.
- c. Seeking a civil penalty as authorized in this Chapter does not preclude the City from seeking alternative relief from the court in the same action.

3. Civil Citations.

- a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

- b. The citation may be served by personal service, substitute service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.
 - c. The original of the citation shall be sent to the Clerk of the District Court. If the infraction involves real property a copy of the citation shall be filed with the county treasurer.
(Code of Iowa, 364.22(4A(b)) SF434
 - d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:
 - (1) The name and address of the defendant.
 - (2) The name or description of the infraction attested to by the officer issuing the citation.
 - (3) The location and time of the infraction.
 - (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
 - (5) The manner, location, and time in which the penalty may be paid.
 - (6) The time and place of court appearance.
 - (7) The penalty for failure to appear in court.
 - (8) The legal description of the affected property, if applicable.
4. Seeking a civil penalty as authorized in Section 364.22, Code of Iowa, does not preclude the City from seeking alternative relief from the court in the same action. Such relief may include the imposition of a civil penalty by entry of a personal judgment against the defendant, directing that the payment of the civil penalty be suspended or deferred under conditions imposed by the court, ordering the defendant to abate or cease the violation or authorizing the City to abate or correct the violation, or ordering that the City's cost for abatement or correction of the violation be entered as a personal judgment against the defendant or assessed against the property where the violation occurred, or both. If a defendant willfully violates the terms of an order imposed by the court, such violation will be subject to a contempt of court action.
5. This section does not preclude a peace officer from issuing a criminal citation for violation of a City Code or regulation if criminal penalties are also provided for the violation, nor does it preclude or limit the authority of the City to enforce the provisions of the Code of Ordinances by criminal sanctions or other lawful means. Each day that a violation occurs or is permitted to exist by the defendant constitutes a separate offense. The violation of any provision of this Code of Ordinances or any regulation promulgated thereunder shall also constitute a simple misdemeanor not less than \$65.00 but not to exceed \$625.00. No violation of the City code shall subject an individual to incarceration. A simple misdemeanor criminal charge filed pursuant to this Code of Ordinances shall only subject an individual to a monetary fine.

1-3-3. SCHEDULED FINES.

The scheduled fine for a violation of any provision of the City Code shall be in accordance with Chapter 805, Code of Iowa unless another scheduled amount is provided in the City Code of Ordinances or the Iowa Code.

TITLE I – GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY COUNCIL

1-4-1	Purpose and Intent	1-4-4	Subpoenas
1-4-2	General	1-4-5	Conduct of Hearing
1-4-3	Form of Notice of Hearing	1-4-6	Method & Form of Decision

1-4-1 PURPOSE AND INTENT

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.
2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. **Record.** A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.
2. **Reporting.** The proceedings at the hearing may also be reported by a court reporter at the expense of any party.
3. **Continuances.** The City Council may grant continuances for good cause shown.
4. **Oaths, certifications.** The City Council, or any member thereof, has the power to administer oaths and affirmations.
5. **Reasonable dispatch.** The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

“You are hereby notified that an evidentiary hearing will be held before the Keosauqua City Council at _____ on the _____ day of _____

20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the City Clerk.”

1-4-4 SUBPOENAS.

Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness’s possession or under the witness’s control. A subpoena need not be issued when the affidavit is defective in any particular manner.

1-4-5 CONDUCT OF HEARING.

1. **Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
2. **Oral Evidence.** Oral evidence shall be taken only on oath or affirmation.
3. **Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this State.
4. **Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this State.
5. **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.
6. **Rights of Parties.** Each party shall have these rights, among others:
 - a. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - b. To introduce documentary and physical evidence;
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - d. To impeach any witness regardless of which party first called the witness to testify;
 - e. To rebut the evidence against the party; and
 - f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.
7. **Official Notice.**
 - a. What May be Noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this State or of official records of the City or its departments and Ordinances of the City.
 - b. Parties To Be Notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.
 - c. Opportunity To Refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.
8. **Inspection Of The Premises.** The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:
 - a. Notice of such inspection shall be given to the parties before the inspection is made;
 - b. The parties are given an opportunity to be present during the inspection; and
 - c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. **Hearings before the City Council.** Where a contested case is heard before the City Council, no member thereof, who did not hear the evidence, or alternatively has not read or listened to the entire record of the proceedings, shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.
2. **Form of Decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.
3. **Effective Date of Decision.** The effective date of the decision shall be stated therein.

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

2-1-1	Charter	2-1-5	Term of Mayor
2-1-2	Form of Government	2-1-6	Copies on File
2-1-3	Powers and Duties	2-1-7	Corporate Limits
2-1-4	Number and Term of City Council	2-1-8	City Seal

- 2-1-1 CHARTER.** This Chapter may be cited as the Charter of the City of Keosauqua, Iowa.
- 2-1-2 FORM OF GOVERNMENT.** The form of government of the City of Keosauqua, Iowa, is the Mayor-Council form of Government. (Code of Iowa, Sec. 372.4)
- 2-1-3 POWERS AND DUTIES.** The City Council and Mayor and other City officers have such powers, and shall perform such duties as are authorized or required by State Law and by the Ordinances, resolutions, rules and regulations of the City of Keosauqua, Iowa.
- 2-1-4 NUMBER AND TERM OF CITY COUNCIL.** The City Council shall consist of five City Council members elected at large, elected for terms of four years. (Code of Iowa, Sec. 372.4)
(Code of Iowa, Sec. 376.2)
- 2-1-5 TERM OF MAYOR.** The Mayor is elected for a term of four years. (Code of Iowa, Sec. 372.4)
(Code of Iowa, Sec. 376.2)
- 2-1-6 COPIES ON FILE.** The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk. The Clerk shall immediately file a copy with the Secretary of State, and shall keep copies of the charter available at the City Clerk's Office for public inspection. (Code of Iowa, Sec. 372.1)
- 2-1-7 CORPORATE LIMITS.** The Corporate Limits are hereby confirmed to be the boundary of the following territory: Commencing at the southeast corner of Section Thirty-six (36), in Township Sixty-nine (69) North, of Range Ten (10) West of the Fifth Principal Meridian, in Van Buren County, Iowa, and running thence North one and one-fourth (1 ¼) miles; thence West one and one-fourth (1 ¼) miles, then South one and one-fourth (1 ¼) miles, and thence East one and one-fourth (1 ¼) miles to the place of beginning.
- 2-1-8 CITY SEAL.** There is to be an official city seal, circular in form, in the center of which shall be the word "Seal" and around the margin the words "Incorporated City of Keosauqua, Iowa." The City seal shall be in the custody of the City Clerk and shall be used to authenticate all transcripts, orders, and certificates which it may be necessary or proper to authenticate.

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT & QUALIFICATIONS OF MUNICIPAL OFFICERS

2-2-1	Creation of Appointive Officers	2-2-5	Bonds Required
2-2-2	Appointments of Officers	2-2-6	Surety
2-2-3	Terms of Appointive Officers	2-2-7	Blanket Position Bond
2-2-4	Vacancies in Offices	2-2-8	Bonds Filed
		2-2-9	Boards and Commissions

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: City Clerk, Purchasing Agent, Police Chief, Health Officer, Attorney, Superintendent of Public Utilities, Superintendent of Public Works, and Building Official.

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint the Police Chief and Mayor Pro Tem.

The City Council shall appoint the first Fire Chief of the volunteer Fire Department for a term of two (2) years. Future Fire Chiefs shall be elected for a term of two (2) years by the members of the volunteer fire department, with the approval of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

2-2-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-2-4 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with state law.

2-2-5 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

2-2-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-7 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds, when duly executed, shall be filed with the City Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Selections. Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.
2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission or ad hoc committee created by such

committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding.

3. Removal of Members of Boards and Commissions: The City Council may remove any member of any board or commission, which it has established.
4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A (Iowa Code).

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 3 POWERS & DUTIES OF OFFICERS

2-3-1	General Duties	2-3-9	Powers/Duties of Superintendent of Public Utilities
2-3-2	Books & Records	2-3-10	Powers/Duties of Superintendent of Public Works
2-3-3	Deposits of Municipal Funds	2-3-11	Powers/Duties of the Fire Chief
2-3-4	Transfer of Records & Property to Successor	2-3-12	Purchasing Agent
2-3-5	Powers and Duties of Mayor	2-3-13	Health Officer
2-3-6	Powers and Duties of Clerk	2-3-14	Building Official
2-3-7	Powers/Duties of the Police Chief		
2-3-8	Powers/Duties of the City Attorney		

- 2-3-1 GENERAL DUTIES.** Each municipal officer shall exercise the powers and perform the duties prescribed by Law and Ordinance, or as otherwise directed by the City Council unless contrary to State Law or City Charter.
(Code of Iowa, Sec. 372.13(4))
- 2-3-2 BOOKS AND RECORDS.** All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.
(Code of Iowa, Sec. 22.1,22.2 & 22.7)
- 2-3-3 DEPOSITS OF MUNICIPAL FUNDS.** Prior to the last day of each month, each office or department shall deposit all funds collected on behalf of the municipality during the preceding month. The officer responsible for the deposit of funds shall take such funds to the City Clerk, together with receipts indicating the sources of the funds.
- 2-3-4 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR.** Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.
- 2-3-5 POWERS & DUTIES OF THE MAYOR.** The duties of the Mayor shall be as follows:
1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall have the power to examine all functions of the municipal departments, their records, and to call for special reports from department heads at any time.
(Code of Iowa, Sec. 372.14(1))
 2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor Pro tempore shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))
 3. The Mayor may veto an Ordinance, amendment, or resolution within fourteen days after passage. The Mayor shall explain the reason for the veto in a written message to the City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by an affirmative vote of not less than two thirds of all of the members of the City Council. If the Mayor vetoes an Ordinance, amendment, or resolution and the City Council repasses the measure after the Mayor's veto, a resolution becomes effective immediately upon repassage, and an Ordinance or amendment becomes a law when the Ordinance or a summary of the Ordinance is published, unless a subsequent effective date is provided within the Ordinance or amendment.

If the Mayor takes no action on an Ordinance, amendment, or resolution, a resolution becomes effective fourteen (14) days after the date of passage and an Ordinance or amendment becomes a law when the Ordinance or a summary of the Ordinance is published, but not sooner than fourteen (14) days after the date of passage, unless a subsequent effective date is provided within the Ordinance or amendment.

(Code of Iowa, Sec. 380..6)

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.
5. The Mayor shall, whenever authorized by the City Council, sign all contracts on behalf of the City.
6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.
7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.
8. Immediately after taking office, the Mayor shall designate one member of the City Council as Mayor Pro Tem. The Mayor Pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor Pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ, or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

(Code of Iowa, Sec. 372.14(3))

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the city Council, the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.
10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.
11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when the terms of such permits or licenses, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.
12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisance shall be carried out by the Police Chief.

2-3-6 POWERS AND DUTIES OF THE CLERK. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each city fund, within fifteen (15) days of the City Council meeting.. The statement shall further include a list of all claims allowed, a summary of all receipts, and the gross amount of the claims.
- (Code of Iowa, Sec. 372.13(4) and (6))
2. The Clerk shall record each measure taken by the City Council, stating, where applicable, whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.
- (Code of Iowa, Sec. 380.7(1))
3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance, and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of

the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when such maps or charts contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner, and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

(Code of Iowa, Sec. 380.7(1) and (2))

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

(Code of Iowa, Sec. 380.7(4))

5. The Clerk shall publish notice of public hearings, elections, and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

6. The Clerk shall certify all measures establishing any zoning district, building lines, or fire limits, and a plat showing each district, lines or limits to the recorder of the county containing the affected parts of the City.

(Code of Iowa, Sec. 380.11)

7. The Clerk shall be the chief accounting officer of the City.

8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.

(Code of Iowa, Sec. 384.16(5))

10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

11. The Clerk shall balance all funds with the Bank Statement at the end of each month.

12. The Clerk shall prepare and publish the annual public report, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, Sec. 384.22)

13. The Clerk shall maintain all City records as required by law.

(Code of Iowa, Sec. 372.13(3) and (5))

14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

(Code of Iowa, Sec. 372.13(4))

15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall furnish, upon request, to any municipal officer, a copy of any record, paper or public document under the Clerk's control as it may be necessary to such officer in the discharge of the duties of the municipal officer. The Clerk shall furnish a copy of any record, paper or public document under the control of

the Clerk, which is not a “confidential record” as defined under Iowa Code 22.7, to any citizen when requested upon payment of the fee set by City Council Resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the municipal Corporation to those public documents or instruments which, by Ordinance, are required to be attested, by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2, and 22.7)

17. The Clerk shall attend all meetings of committees, boards and commissions of the City. The Clerk shall record and preserve a correct record of the proceedings of such meetings.
(Code of Iowa, Sec. 372.13(4))
18. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.
(Code of Iowa, Sec 372.13(4))
19. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a date of issuance, license or permit number, official receipt number, name of person to whom issued, term of license or permit, and purpose for which issued.
(Code of Iowa, Sec. 372.13(4))
20. The Clerk shall inform all persons appointed by the Mayor or City Council to offices in the municipal government of their position and the time at which they shall assume the duties of their office.
(Code of Iowa, Sec. 372.13(4))
21. The Clerk shall preserve a complete record of every City Election, regular or special, and perform duties required by law or Ordinance of the City Clerk in regard to elections.
(Code of Iowa, Sec. 376.4)
22. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.
(Code of Iowa, Sec. 372.13(4))
23. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.
(Code of Iowa, Sec. 372.13(4))
24. The Clerk shall keep a warrant/check record in a form approved by the City Council showing the number, date, amount, payee’s name, upon what fund drawn, and for what claim each warrant/check is issued.
(Code of Iowa, Sec. 372.13(4))
25. The Clerk shall bill and collect all charges, rents, or fees due the City for utility and other services, and give a receipt therefor.
(Code of Iowa, Sec. 372.13(4))
26. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.
(Code of Iowa, Sec. 384.16)
27. The Clerk shall keep the record of each fund separate.
(Code of Iowa, Sec. 372.13(4) and 384.85)
28. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.
(Code of Iowa, Sec. 372.13(4))
29. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.
(Code of Iowa, Sec. 372.13(4))
30. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.
(Code of Iowa, Sec. 372.13(4))

31. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

(Code of Iowa, Sec. 372.13(4))

2-3-7 POWERS AND DUTIES OF THE POLICE CHIEF. The duties of the Police Chief shall be as follows:

(Code of Iowa, Sec. 372.13(4))

1. The Police Chief shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.
2. The Police Chief shall be sergeant-at-arms of the Council Chamber when requested by the City Council.
3. The Police Chief shall report to the City Council upon activities as Police Chief when requested.
4. The Police Chief shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.
5. The Police Chief shall have charge of the City Jail when such is provided and of all persons held therein. The Police Chief shall execute all orders of the court referring to the jail. The Police Chief shall feed and shelter persons jailed in the usual manner and as required by law. When no city jail is provided, the Police Chief shall make arrangements to convey any persons requiring detention to the county jail as provided by law and agreements with the county.
6. The Police Chief shall, whenever any person is bound over to the district court, convey the prisoner to the county jail.
7. The Police Chief shall execute all lawful orders of any board or commission established by the City Council.
8. The Police Chief shall be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles and equipment for the department.
9. The Police Chief may appoint one or more assistant Police Chiefs, with approval of the City Council, who may perform the Police Chief's duties and who shall be members of the police force.
10. The Police Chief shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Police Chief determines to be necessary for the operation of the Police department. The Police Chief shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency, the Police Chief may make temporary rules for the protection of the health, safety, and welfare of the City and its citizens until due consideration by the City Council may be had.
11. The Police Chief shall, when requested, aid other municipal officers in the execution of their official duties.
12. The Police Chief shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.
13. The Police Chief shall keep a record of all arrests made in the City by police officers. The Police Chief shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year, the Police Chief shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:
(Code of Iowa, Sec. 372.13(4))

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.
2. The City Attorney, shall, upon request, formulate drafts for contracts, forms and other writings, which may be required for the use of the City.
3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defended by the City Attorney accompanied by all proceedings relating to said actions.
4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.
5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage of such Ordinances by the City Council and publication.
6. The City Attorney shall act as Attorney for the City in all matters affecting the City's interest and appear on behalf of the City before any court, tribunal, commission, or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or City Council
7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal officer or employee in any cause of action arising out of or in the course of the performance of the duties of such office or employment.
8. The City Attorney shall sign the name of the City to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.
9. When directed or requested, the City Attorney shall make a written report to the City Council and interested department heads of the deficiencies in all contracts, documents, authorized power of any City Officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.
10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before such contracts become binding upon the City or are published.

2-3-9 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC UTILITIES. The duties of the Superintendent of Public Utilities shall be as follows:

(Code of Iowa, Sec. 372.13(4))

1. The Superintendent shall be responsible for the management, operation and maintenance of all municipal utilities.
2. The Superintendent shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to-date inventory of all goods and supplies. The Superintendent shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance.
3. The Superintendent shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The Superintendent shall , at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing

revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities, and reserves.

2-3-10 POWERS AND DUTIES OF THE SUPERINTENDENT OF PUBLIC WORKS. The duties of the Superintendent of Public Works shall be as follows:

(Code of Iowa, Sec. 372.13(4))

1. The Superintendent shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.
2. The Superintendent shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Superintendent shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass, or overpass, or other city property, and is charged with the duty of correcting unsafe defects.
3. The Superintendent shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City, and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.
4. The Superintendent shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Superintendent shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.
5. The Superintendent shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

2-3-11 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

(Code of Iowa, Sec. 372.13(4))

1. The Fire Chief shall be charged with the duty of maintaining the efficiency, discipline, and control of the fire department. The members of the fire department shall, at all times, be subject to the direction of the Fire Chief.
2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.
3. The Fire Chief shall exercise and have full control over the disposition of all fire apparatus, tools, equipment, and other property used by or belonging to the fire department.
4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of fire fighting equipment, depreciation of all equipment and apparatus; the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.
5. The Fire Chief shall make written reports on or before the last day of December of each year to the Mayor and City Council concerning the general status and efficiency of the fire department; the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.
6. The Fire Chief shall enforce all Ordinances and , where enabled, State laws regulating the following:
 - a. Fire prevention.
 - b. Maintenance and use of fire escapes.
 - c. The investigation of the cause, origin, and circumstances of fires.

- d. The means and adequacy of exits in case of fire from halls, theaters, churches, hospitals, asylums, lodging houses, schools, factories, and all other buildings in which the public congregates for any purpose.
 - e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of State law, regulations, or Ordinance.
 8. The Fire Chief shall make such recommendations to owners, occupants, caretakers, or managers of buildings necessary to eliminate fire hazards.
 9. The Fire Chief shall, at the request of the State Fire Marshall, and as provided by law, aid said Marshal in the performance of the marshal's duties by investigating, preventing, and reporting data pertaining to fires.

2-3-12 PURCHASING AGENT. The duties of the Purchasing Agent shall be as follows:

1. To perform the duty of purchasing all goods, materials, and supplies needed by the city. To enter into consultations with department heads and the City Council to determine needs for all departments of the city. To formulate the technical and financial aspects of bids to be drawn up by the city attorney; submit contracts for municipal needs to the City Council for approval and authorization, advertise for bids on the basis of the contracts drawn up by the city attorney, and enforce quality standards for goods purchased.
2. To establish a perpetual inventory system for the city and maintain this system in all its aspects.
3. The office of purchasing agent may be combined with other city offices at the direction of the City Council by resolution.

2-3-13 HEALTH OFFICER. The duties of the Health Officer shall be as follows:

1. To be the medical and sanitary advisor to the City Council.
2. To make, upon order of the city attorney, physical examinations on any person claiming to have received injuries for which the city may be liable. Upon order of the appointing authority, the Health Officer shall make physical examinations of employees or prospective employees of the city.
3. To inspect premises upon complaints received, upon request of proper officers, the Mayor, or council, or upon his own initiative, and at times required by Ordinance or law for compliance with health regulations. The Health Officer shall, upon finding violations of law or Ordinance, take action to correct such violations in accordance with provisions for correction of violations established by law or Ordinance.

2-3-14 BUILDING OFFICIAL. The Building Official shall make building, plumbing, and electrical inspections as required and shall enforce the provisions of the zoning code and the building code.

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

2-4-1 Council Member	2-4-3 Mayor Pro Tem
2-4-2 Mayor	2-4-4 Other Officers

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$20.00 for each meeting of the City Council, but in no event shall any City Council member be paid more than \$1,000 in any one year.
(Code of Iowa, Sec. 372.13(8))

2-4-2 MAYOR. The Mayor shall receive a monthly salary of \$200 per month served - to be paid monthly.
(Code of Iowa, Sec. 372.13(8))

2-4-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor’s absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period. The compensation determined by the City Council, based upon the Mayor Pro Tem’s performance of the Mayor’s duties and upon the compensation of the Mayor.
(Code of Iowa, Sec. 372.13(8))

2-4-4 OTHER OFFICERS. The compensation of the Treasurer – shall be paid \$100.00 annually; all other employees shall be set by resolution of the City Council.
(Code of Iowa, Sec. 372.13(4))

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

2-5-1	Budget Adoption	2-5-8	Budget Officer
2-5-2	Budget Amendment	2-5-9	Expenditures
		2-5-10	Authorizations to Expend
2-5-4	Accounts and Programs	2-5-11	Accounting
2-5-5	Annual Report	2-5-12	Budget Accounts
2-5-6	Council Transfers	2-5-13	Contingency Accounts

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as in accordance with Section 384.16::

(Code of Iowa, Sec 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City Finance Committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:
 - a. Expenditures for each program.
 - b. Income from sources other than property taxation.
 - c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual or re-estimated expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City Finance Committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing; the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have such copies available for distribution at the offices of the Mayor and Clerk, and at the City Library, if any, or at three places designated by Ordinance for posting notices.

(Code of Iowa, Sect 384.16(2))
3. The City Council shall set a time and place for public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.
4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.
5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-5-2 **BUDGET AMENDMENT.** The City Budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City Budget for the current fiscal year may be amended for any of the following purposes:
(Code of Iowa, Sec 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.
2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.
3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.
4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget; and is subject to protest as provided in Section 2-5-3 of this Chapter, except that the City Finance Committee may, by rule, provide that amendments of certain types, or up to certain amounts, may be made without public hearing and without being subject to protest.

2-5-4 **ACCOUNTS AND PROGRAMS.** The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-5-5 **ANNUAL REPORT.** Not later than December first of each year, the City shall publish an annual report containing: a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-5-6 **COUNCIL TRANSFERS.** When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures, therein the City Clerk shall inform the City Council; or, if the City Council, upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation, which alone, or with the other accounts can provide the needed appropriations, the City Council shall set forth by Resolution, the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for Resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City; but in no case, shall the total of the appropriation of a program be increased except for transfers from the contingency account, nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-5-8 **BUDGET OFFICER.** The City Clerk shall be the City Budget Officer, and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control, and the limitations set out in this Ordinance.

(Code of Iowa, Sec. 372.13(4))

2-5-9 **EXPENDITURES.** No expenditure shall be authorized by any City officer or employee except as herein provided. All singular purchases of services, supplies, and equipment by the City Clerk shall not exceed \$250 per

month. All singular purchases of services, supplies, and equipment by the Superintendent shall not exceed \$500 per month. Purchases from petty cash shall be excepted.

(Code of Iowa, Sec. 721.2(1))

2-5-10 AUTHORIZATIONS TO EXPEND. All purchase orders, other than those excepted herein, shall be authorized by the Mayor, Mayor Pro Temp, or the City Council.

(Code of Iowa, Sec. 721.2(1))

2-5-11 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written; which receipts and warrants shall be pre-numbered, in accordance with modern, accepted methods, and the requirement of the State. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts, and recording unappropriated surpluses. All warrants/checks shall be signed by the City Clerk and/or Mayor and/or Mayor Pro Tem.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program, and purpose as to provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law, and shall be so kept that receipts can be immediately and directly compared with specific estimates; and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-13 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account, the Clerk shall set up in the accounting records, but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council Resolution directing a transfer to a specific purpose account within its fund, and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 6 ELECTIONS

2-6-1	Purpose	2-6-6	Filing, Presumption, Withdrawals, Objections
2-6-2	Nominating Method to be Used	2-6-7	Persons Elected
2-6-3	Nominations by Petition		
2-6-4	Adding Name by Petition		
2-6-5	Preparation of Petition		

2-6-1 PURPOSE. The purpose of this Chapter is to designate the method by which candidates for elective municipal offices in the City shall be nominated and elected.

2-6-2 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec.376.3)

2-6-3 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City, may be made by nomination paper or papers signed by not less than ten eligible electors, residents of the City.

(Code of Iowa, Sec.45.1)

2-6-4 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec.45.2)

2-6-5 PREPARATION OF PETITION. Each eligible elector shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition may not sign it. Before filing said petition, there shall be endorsed thereon, or attached thereto, an affidavit executed by the candidate, which affidavit shall contain:

1. **Name and Residence.** The name and residence (including street and number, if any), of said nominee, and the office to which nominated.
2. **Name On Ballot.** A request that the name of the nominee be printed upon the official ballot for the election.
3. **Eligibility.** A statement that the nominee is eligible to be a candidate for the office, and if elected, will qualify as such officer.
4. **Organization Statement.** A statement, in the form required by Iowa law, concerning the organization of the candidate's committee.

Such petition, when so verified, shall be known as a nomination paper.

(Code of Iowa, Sec.45.5)

2-6-6 FILING, PRESUMPTION, WITHDRAWALS, OBJECTIONS. The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw, and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the appropriate provisions of Chapter 44 of the Code of Iowa.

2-6-7 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

TITLE II – POLICY AND ADMINISTRATION

CHAPTER 7 CITY COUNCIL

2-7-1	Power and Duties	2-7-3	Meetings
2-7-2	Exercise of Power		

2-7-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

1. **General.** All powers of the City are vested in the City Council except as otherwise provided by Law or Ordinance.
(Code of Iowa, Sec. 364.2(1))
2. **Wards.** By Ordinance, the City Council may divide the City into wards based upon population, change the boundaries of wards, eliminate wards, or create new wards.
(Code of Iowa, Sec. 372.13(7))
3. **Fiscal Authority.** The City Council shall apportion and appropriate all funds, and audit and allow all bills, accounts, payrolls and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvement, or repairs, which may be specially assessed.
(Code of Iowa, Sec. 364.2(1), 384.16 & 384.38(1))
4. **Public Improvements.** The City Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings.
(Code of Iowa, Sec. 364.2(1))
5. **Contracts.** The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by Ordinance or Resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by Ordinance or Resolution adopted by the City Council.
(Code of Iowa, Sec. 364.2(1))
(Code of Iowa, Sec. 384.95 through 384.102)
6. **Employees.** The City Council shall authorize, by Resolution, the number, duties, term of office, and compensation of employees or officers not otherwise provided for by the State law or the Code of Ordinances.
(Code of Iowa, Sec. 372.13(4))
7. **Setting Compensation for Elected Officers.** By Ordinance, the City Council shall prescribe the compensation of the Mayor, City Council members, and other elected City officers; but a change in the compensation of the Mayor does not become effective during the term in which the change is adopted, and the City Council shall not adopt such an Ordinance changing the compensation of any elected officer during the months of November and December in the year of a regular City election. A change in the compensation of City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.
(Code of Iowa, Sec. 372.13(8))

2-7-2 EXERCISE OF POWER. The City Council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an Ordinance in the following manner:

(Code of Iowa, Sec. 364.3(1))

1. **Approved Action By the City Council.** Passage of an Ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A motion to spend public funds in excess of twenty-five thousand dollars (\$25,000) on any one project, or a motion to accept public

improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an Ordinance, amendment, or Resolution must be recorded.

(Code of Iowa, Sec. 380.4)

- 2. Overriding Mayor's Veto.** Within thirty (30) days after the Mayor's veto, the City Council may re-pass the Ordinance or Resolution by a vote of not less than two-thirds of the City Council members, and the Ordinance or Resolution becomes effective upon re-passage and publication.

(Code of Iowa, Sec. 380.6(2))

- 3. Measures Become Effective.** Measures passed by the City Council, other than motions, become effective in one of the following ways:

- a. If the Mayor signs the measure, a Resolution becomes effective immediately upon signing, and an Ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

- b. If the Mayor vetoes a measure, and the City Council re-passes the measure after the Mayor's veto, a Resolution becomes effective immediately upon re-passage and an Ordinance or amendment becomes a law when published unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(2))

- c. If the Mayor takes no action on the measure, a Resolution becomes effective fourteen (14) days after the date of passage, and an Ordinance or amendment becomes a law when published, but no sooner than fourteen (14) days after the day of passage, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(3))

2-7-3 MEETINGS.

- 1. Regular Meetings.** The regular meetings of the City Council are on the second Tuesday of each month in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.

- 2. Special Meetings.** Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City Clerk. Notice of a special meeting shall specify the date, time, place, and subject of the meeting, and such notice shall be given personally or left at the usual place of residence of each member of the City Council. A record of the service of notice shall be maintained by the City Clerk.

(Code of Iowa, Sec. 372.13(5))

- 3. Quorum.** A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))

- 4. Rules of Procedure.** The City Council shall determine its own rules and maintain records of its proceedings.

(Code of Iowa, Sec. 372.13(5))

- 5. Compelling Attendance.** Any three (3) members of the City Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving written notice upon the absent members to attend at once.

- 6. Notice of Meetings.** The Council shall give reasonable notice, as defined by State law, of the time, date and place of each meeting and its tentative agenda.

(Code of Iowa, Sec.21.4)

- 7. Meetings Open.** All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.

(Code of Iowa, Sec. 21.3)

8. **Minutes.** Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.
(Code of Iowa, Sec. 21.3)
9. **Closed Session.** A closed session may be held only by affirmative vote of either two-thirds of the Council or all of the members present at the meeting and in accordance with Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.5)
10. **Cameras and Recorders.** The public may use cameras or recording devices at any open session.
(Code of Iowa, Sec. 21.7)
11. **Electronic Meetings.** A meeting may be conducted by electronic means only in circumstances where such a meeting in person is impossible or impractical and then only in compliance with the provisions of Chapter 21 of the Iowa Code.
(Code of Iowa, Sec. 21.8)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 8 POLICE DEPARTMENT

2-8-1	Department Established	2-8-6	Peace Officers Appointed
2-8-2	Organization	2-8-7	Police Chief: Duties
2-8-3	Peace Officer Qualifications	2-8-8	Department Rules
2-8-4	Required Training	2-8-9	Summoning Aid
2-8-5	Compensation	2-8-10	Taking Weapons
		2-8-11	Contract Law Enforcement

2-8-1 DEPARTMENT ESTABLISHED. The Police Department of the City is established to provide for the preservation of peace and enforcement of law and Ordinances within the corporate limits of the City.

2-8-2 ORGANIZATION. The department consists of the Police Chief and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the City council.

2-8-3 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.
(Code of Iowa, Sec. 80B.11)

2-8-4 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.
(Code of Iowa, Sec. 80B.11(2))

2-8-5 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-8-6 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Police Chief. The Police chief shall appoint, subject to the approval of the Mayor, the other members of the department.

(Code of Iowa, Sec. 372.4(2))

2-8-7 POLICE CHIEF; DUTIES. The Police Chief has the following powers and duties subject to the approval of the City council.
(Code of Iowa, Sec. 372.13(4))

1. **General.** Perform all duties required of the Police Chief by law or Ordinance.
2. **Enforce Laws.** Enforce all laws, Ordinances and regulations and bring all persons committing any offense before the proper court.
3. **Writs.** Execute and return all writs and other processes directed to the Police Chief.
4. **Accident Reports.** Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. **Prisoners.** Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. **Assist Officials.** When requested, provide aid to other City officers, boards and Commissions in the execution of their official duties.
7. **Investigations.** Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or Ordinance.
8. **Record of Arrests.** Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City Ordinance, the offense charged, who made the arrest, and the disposition of the charge.
9. **Reports.** Compile and submit to the Mayor and City Council an annual report, as well as such other reports as may be requested by the Mayor or City Council.

10. **Command.** Be in command of all officers appointed for police work; and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

2-8-8 DEPARTMENTAL RULES. The Police Chief shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the Department.

2-8-9 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.
(Code of Iowa, Sec. 804.17)

2-8-10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm, which the arrested person may have within such person's control to be disposed of, according to law.
(Code of Iowa, Sec. 804.18)

2-8-11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor, the City Council may contract with the County Sheriff, or any other qualified lawful entity, to provide law enforcement services within the City; and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.
(Code of Iowa, Sec. 28E.30)

TITLE III – COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

3-1-1	Violations of Chapter	3-1-5	Streets
3-1-2	Public Peace	3-1-6	Public Safety and Health
3-1-3	Public Morals	3-1-7	Public Property
3-1-4	Minors		

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this Chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior, or invite or provoke another person to fight; provided that participants in athletic contests may engage in such conduct which is reasonably related to that sport.
(Code of Iowa, Sec. 723.4(1))
2. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.
(Code of Iowa, Sec. 723.4(2))
3. Willfully permit upon any premises owned, occupied, possessed, or controlled by such person, anyone to make unusually loud or excessive noise, which results in the disturbance of the peace and the public quiet of the neighborhood.
(Code of Iowa, Sec. 723.4(2))
4. Direct abusive language or make any threatening gesture, which the person knows or reasonably should know, is likely to provoke a violent reaction by another.
(Code of Iowa, Sec. 723.4(3))
5. Without lawful authority or order of authority, disturb any lawful assembly or meetings of persons by conduct intended to disrupt the meeting or assembly.
(Code of Iowa, Sec. 723.4(4))
6. Without authority, obstruct any street, sidewalk, highway or other public way.
(Code of Iowa, Sec. 723.4(7))
7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.
(Code of Iowa, Sec 364.12(2)(a))
8. It shall be unlawful for the driver of any vehicle to use within the city any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle. [ORD. 125]

3-1-3 PUBLIC MORALS.

1. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to a person other than the person's spouse, or who commits a sex act in the presence or view of a third person, if the person does so to arouse or satisfy the sexual desires of either party and the person knows, or reasonably should know, that the act is offensive to the viewer.
(Code of Iowa, Sec. 709.9)
2. Public Urination/Defecation. It shall be unlawful for any person to urinate or defecate in a public place, other than a structure equipped with a toilet and/or urinal, in the presence of or in view of another person if the person knows, or reasonably should know, that such behavior would be offensive to a reasonable person.

3-1-5 STREETS

1. **Removal Of Safeguards Or Danger Signals.** No person shall willfully remove, tear down, destroy, deface or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. **Obstructing Or Defacing Streets.** No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

3. **Allowing Water, Snow, Ice and Accumulations on Sidewalk.** No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the cost against the abutting property.

(Code of Iowa, Sec. 364.12(2)(b and e))

4. **Removal of Hydrant Caps, Sewer Caps or Manhole Covers.** No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-6 PUBLIC SAFETY AND HEALTH.

1. **Expectorating.** No person shall expectorate on public property or on the floor of any public structure within the City limits.

Code of Iowa, Sec. 364.1)

2. **Putting Debris on Streets and Sidewalks.** No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

3. **False Alarms.** No person shall give or cause to be given any false alarm of a fire, or cry or sound an alarm or by any other means without cause.

4. **Stench Bombs.** No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on, or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

5. **Discharging Firearms And Fireworks.**

(Code of Iowa, Sec. 727.2)

- a. No person, firm, or corporation, or other legal entity shall discharge or fire any cannon, gun, bomb, pistol, air gun, or other firearms or set off or burn firecrackers, torpedoes, sky rockets, roman candles, or other fireworks of like construction or any fireworks containing any explosive or inflammable compound, or other device containing any explosive, except as otherwise permitted by State statute or City ordinance..
- b. The City Council may upon application in writing, grant a permit for the display and use of display fireworks by any organization or groups of individuals when such fireworks display will be handled by a competent operator.

- c. The City Council may, upon application in writing, grant a permit for the operation of a firing range in which the discharge of firearms for training, recreational or competitive events would be allowed upon showing that the range would be under the direction of a competent organization, group or individual.
- d. In the interest of public health and safety and at such times as approved by the Chief of Police, the police, or their designee may use firearms to control rodent or animal problems when it is evident that conventional control methods have not resolved the problem.
- e. Nothing herein shall be construed to prohibit the use of blank cartridges for a show or the theater, or for signal purposes in athletic sports or by railroads, or trucks, for signal purposes, or by a recognized military organization and provided further that nothing in this Section shall apply to any substance or composition prepared and used for medicinal or fumigation purposes.

- 6. Abandoned Refrigerators.** No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box, or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox, or similar container and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

- 7. Impersonating An Officer.** No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge, or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

- 8. Resisting execution of process.** To knowingly or willfully resist or oppose any officer of this state, or any person authorized by law when serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order or process.

- 9. Refusing To Assist An Officer.** When lawfully required by any sheriff, deputy sheriff, inspector or other officer, to willfully neglect or refuse to assist him in the execution of the duties of his office in any criminal case, or in any case of escape or rescue.

- 10. Resisting Arrest.** To attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant after information of the intention to make the arrest.

- 11. Antenna and Radio Wires.** No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property without Council approval.

(Code of Iowa, Sec. 364.12(2))

- 12. Interference With City Officers.** To interfere with or hinder any policeman, fireman, officer or city official in the discharge of his duty.

- 13. Barb Wire.** No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

- 14. Playing in Streets.** No person shall coast, sled or play games on streets or highways except those streets blocked off by the Chief of Police or law enforcement officer for such purposes.

(Code Of Iowa, Sec. 364.12)

- 15. Harassment of City Employees.**

- a. It shall be unlawful for any person to willfully prevent, resist, or obstruct, or attempt to prevent, resist, or obstruct any City employees from the performance of any official duty.

- b. It shall be unlawful for any person to communicate, by any means, any threat of bodily or property harm to any City employee, or to any member of his or her family during the course of, or as a result of, the performance of any official duty by said City employees.

16. Throwing & Shooting. To throw stones or missiles of any kind, or to shoot arrows, rubber guns, slingshots, air rifles, or other dangerous instruments or toys on, or into, any street, alley, sidewalk, or public place.

17 Littering Prohibited.

a. As used in this Code, “**discard**” means to place, cause to be placed, throw, deposit or drop, and “**litter**” means any garbage, rubbish, trash, refuse, waste material and yard waste.

b. No person shall discard any litter within the City of Keosauqua, except as provided and approved by the City of Keosauqua, by collecting and discarding such litter in approved areas or approved receptacles.

c. It is unlawful for any person to deposit or place any garbage, rubbish, trash, refuse, waste material or yard waste in any street, alley, lane, public place, private property, or body of water within the City.

d. It is unlawful to place garbage, refuse or yard waste on the private property of another, or into another garbage, refuse or yard waste containers for the purpose of being hauled away.

e. It is unlawful to permit garbage, yard waste or refuse to remain for more than ten (10) days on private property that is under one’s ownership, possession, or control. Yard waste may be retained more than ten (10) days if composting is being completed.

f. Notwithstanding the above provisions, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places or on private property to be hauled away, provided the garbage, refuse or yard waste containers are kept in place in the manner prescribed in this Code of Ordinances.

3-1-7 PUBLIC PROPERTY.

1. Defacing Public Grounds. No person shall cut, break or deface any tree or shrub in a public park on or any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.
(Code of Iowa, Sec. 364.12(2))

2. Damage New Pavement. No person shall damage new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.
(Code Of Iowa, Sec. 364.12(2))

3. Destroying Park Equipment. No person shall destroy or damage any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.
(Code of Iowa, Sec. 364.12))

4. Damage to Public Library Books Or Property. No person shall willfully ore recklessly tear, deface, mutilate, damage or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing Or Destroying Proclamations Or Notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of law or by order of any court, during the time for which the same is to remain set up.
(Code of Iowa, Sec. 716.1)

6. Damage To Gravestones Or Property In Cemetery. No person shall willfully or recklessly destroy, mutilate, deface, damage or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or damage any tree, shrub, plant or lawn

within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

- 7. Damage To Fire Apparatus.** No person shall willfully destroy or damage any engines, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.
(Code of Iowa, Sec. 716.1)
- 8. Damage to City Ambulance or Paramedic Apparatus.** No person shall willfully destroy or damage any ambulance or paramedic unit, equipment or other things used to administer medical care.
- 9. Obstructing Or Defacing Roads.** No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.
(Code of Iowa, Sec. 716.1)
- 10. Damage To Roads, Railways, And Other Utilities.** No person shall damage, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or damage any public road or highway; or cut, burn, or in any way break down, damage or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or damage and deface any electric light, telegraph or telephone instrument; or in any way cut, break or damage the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, damage, break, disconnect, connect, make any connection with or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.
(Code of Iowa, Sec. 716.1)
- 11. Tapping Into Utility Transmission Cables.** No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.
(Code of Iowa, Sec.727.8)
- 12. Obstructing Ditches And Breaking Levees.** No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.
(Code of Iowa, Sec. 716.1)

TITLE III - COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

3-2-1 Definitions	3-2-7 Request for Hearing & Appeal
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3-2-1. DEFINITIONS. For use in this Ordinance, the following terms are defined:

1. The term “nuisance” means whatever is injurious to health, indecent, or unreasonably offensive to the senses or an obstacle to the free use of property, so as essentially to unreasonably interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

(Code of Iowa, Sec. 657.1)

(State law reference-Power of city to define and abate nuisances, I.C.A. 364.12)

- a. All dead, putrid, or decaying carcasses, flesh, fish, fowl or vegetables, all deposits and accumulations of manure, entrails, offal, or other unwholesome substances; filth of any description or offensive slops and garbage, litter or debris, when deposited or thrown upon or conducted or permitted to accumulate into or upon any alley street, or public place or into or upon any privately owned lot or enclosure.
- b. All privies, water closets, or outhouses which have become offensive to the senses or dangerous to health.
- c. All houses, barns, stables, stores, shops, markets, factories or other buildings and structures, and the premises connected therewith, which are not kept clean and orderly and free from all filthy, putrid and accumulations which are offensive to the senses or liable to engender or cause disease; or which by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
- d. All houses, barns, stables, stores, shops, market factories, or other structures, when through neglect abandonment, vacancy, disrepair or vandalism become an unattractive nuisance or hazardous to the public.
- e. All lots and parcels or ground wherever water is permitted to accumulate and stand until stagnant or into or upon any privately owned lot.
- f. Ashes, cinders, leaves, grass, tools, implements, machines, soil, dirt, sand, gravel, lumber, brick, or their building material or any other thing or substance deposited, stored, placed or permitted to be or come in or into or upon any street, alley, public place, or into or upon any privately owned property which obstructs, hinders, or prevents the full and free use of any part of such street, alley, public place or private property the free and uninterrupted flow of water in, upon and away from the same.
- g. Any lot or parcel of land abutting upon any street, alley, or public place so maintained that the soil thereof or substances thereon are carried into and upon any sidewalk, street, alley or public place by the action of the owner or the elements.
- h. All lots or parcels of land upon which junk, refuse, garbage, or filth is allowed to accumulate.
- i. Any abandoned or unattended refrigerator, icebox, or similar container with doors that may become locked, located outside of buildings and accessible to children or to allow any such refrigerator, iceboxes, or similar container to remain outside of buildings on premises in the person’s possession or control to remain abandoned or unattended and so accessible to children.

(This is not an exclusive or exhaustive list of possible nuisances.)

- j. Any poison, poisonous meat, or any other poisonous substance in any place outside of any residence, or where it may endanger life by being taken and used by any person, or who shall so expose any such poison or poisonous substance where the same shall be taken by any dog, cat, or any animal or living thing.
 - k. Debris Storage: The outside piling, storage or keeping of old machinery, junk, furniture, tires, household furnishings or appliances or component parts thereof or other debris within the City.
 - l. Refuse: The depositing of, maintaining, permitted or failing to remove garbage, trash, rubbish, bottles, cans, paper and other refuse on any property within the City, including large quantities of organic debris and materials, which accumulated by other than natural means, except neatly maintained compost piles.
 - m. Occupational Materials: The outside storage of pipe, lumber, forms, machinery or other occupational materials upon property in the front yard or side yard corner lot or visible from a public street in a residential district.
 - n. Non-operable/Obsolete Vehicle: The storage, parking, leaving or permitting the storage, parking or leaving of an inoperable/obsolete vehicle upon private property within the City for a period in excess of forty eight (48) hours unless excepted herein. This subsection shall not apply to any vehicles enclosed within a building on private property or to any vehicle held in connection with a junk yard or auto and truck oriented use operated in accordance with zoning laws of this Code. Inoperable shall also mean any vehicle with one or more flat tires, or not capable of moving forward or reverse.
 - o. Operation and maintenance of water well, abandoned well, or cistern in such a manner to allow persons or animals to fall into or otherwise enter into said well or cistern.
 - p. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
 - q. The emission of dense smoke, noxious fumes, or fly ash.
 - r. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard. Weeds and grasses exceeding ten inches in height.
 - s. Trees infected with Dutch elm disease.
 - t. Effluent from septic tank or drain field running or ponding on the ground in the open.
 - u. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
 - v. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting street.
 - w. The corrupting or rendering unwholesome or impure the water of any river, stream, pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
2. "Junk" means any metal or wood, whether usable or not, stored in such a manner that it constitutes a health or safety hazard.
 3. "Refuse" means any material not junk, garbage, or filth deposited upon property in an unsightly or unhealthy condition.
 4. "Garbage" means all wastes from the preparation or spoilage of food.
 5. "Filth" means excrement, either animal or human, or any material connected therewith.

6. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.
7. The term "water well" means an excavation that is drilled, cored bored, augured, washed, driven, dug, jetted, or otherwise constructed for accessing groundwater. "Water well" does not include an open ditch or drain tiles.
8. The term "abandoned well" means a water well which is no longer in use or which is in such a state of disrepair that continued use for the purpose of accessing groundwater is unsafe or impracticable.
9. The term "cistern" means an underground storage tank constructed of any material which is designated to be used as a reservoir for storm water or wastewater.

3-2-2 NUISANCES PROHIBITED. The Creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this Chapter. (Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The abutting property shall maintain all property outside the lot line and property lines, and inside the curb lines, upon public streets. (Code of Iowa, Sec. 364.12(2)(c))
2. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street. (Code of Iowa, Sec. 364.12(3)(b))
3. The removal, repair, or dismantling of dangerous buildings or structures. (Code of Iowa, Sec. 364.12(3)(c))
4. The numbering of buildings. (Code of Iowa, Sec. 364.12(3)(d))
5. The connection to public drainage systems from abutting property when necessary for public health or safety. (Code of Iowa, Sec. 364.12(3)(e))
6. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property. (Code of Iowa, Sec. 364.12(3)(f))
7. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard. (Code of Iowa, Sec. 364.12(3)(g))

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. When the Mayor or other authorized municipal officer finds that a nuisance or other prohibited condition exists, which is listed in Section 3-2-1, the Mayor or officer shall cause to be served upon the property owner as shown by the records of the County Auditor a written notice to abate the nuisance within a reasonable time after notice. (Code of Iowa, Sec. 364.12(3)(h))

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain: (Code of Iowa, Sec. 364.12(3)(h))

1. A description of what constitutes the nuisance or other condition.
2. The location of the nuisance or condition.
3. A statement of the act or acts necessary to abate the nuisance or condition.
4. A reasonable time within which to complete the abatement.
5. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

3-2-6 METHOD OF SERVICE. The notice may be served by regular mail to the property owner as shown by the records of the County Auditor. (Code of Iowa, Sec. 364.12(3)(h))

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in

the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-7(1) MOWING RESPONSIBILITY. It shall be the duty of the owner to keep adjacent tree lawn, right of way and the owner's property, mowed and cleared of natural accumulations of tall grass and other vegetation. If the owner fails to do so within 72 hours of development of growth constituting a defined nuisance, the Mayor or his designee may have the prohibited growth mowed and removed with minimal notice to the property owner. Minimal notice may be posted note, doorknob hanger, letter or other communication reasonably believed by the City to alert the owner of the pending mowing and clearing, etc. The Mayor shall give the Council an itemized and verified statement of the mowing and removal costs, and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Auditor for collection as provided in §364.12 of the Iowa Code. (Code of Iowa, §364.12(2b) and (2e))

3-2-7(2). Mowing required to avoid violation of prohibitions (nuisance prohibitions of 3-2-1 and 3-2-3(7) includes private property lawn area, tree lawn or parking, and other grassy right of way. Mowing shall be done to the visible edge of the shoulder or curb of the adjacent pavement, roadway, street, or alleyway."

3-2-8 ABATEMENT IN EMERGENCY. If it is determined that an emergency exists, by reason of the continuing maintenance of the nuisance or condition, the City may perform an action that may be required under this Chapter without prior notice, and assess the costs as provided herein, after notice to the property owner, under the applicable provisions of Sections 3-2-4 and 3-2-5, and hearing as provided in Section 3-2-7.

(Code of Iowa, Sec. 364.12(3)(h))

3-2-9 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate; keeping an accurate account of the expenses incurred. The itemized expense account shall be filed with the City Clerk, who shall pay such expenses on behalf of the Municipality.

(Code of Iowa, Sec. 364.12 (3)(h))

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of total expenses incurred to the property owner who has failed to abide by the notice to abate. If the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Auditor, and they shall then be collected with, and in the same manner as, general property taxes.

(Code of Iowa, Sec. 364.12(3)(h))

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner, and at the same rate of interest charged, as delinquent real estate taxes, by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be abandoned a public nuisance, and take title to the property for public purpose of disposing of the property Chapter 657A, by conveying the property to a private individual for rehabilitation, or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

TITLE III - COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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3-3-1 SHORT TITLE. This Chapter may be known and cited as the “Traffic Code”.

3-3-2 DEFINITIONS. Where words and phrases used in this Chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. **“Park and Parking”** means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.
2. **“Stand or Standing”** means the halting of a vehicle, whether occupied or not, except for the purpose of, and while actually engaged in receiving or discharging passengers.
3. **“Stop”**, when required, means complete cessation of movement.
4. **“Stop or Stopping”**, when prohibited, means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, law enforcement officer, or traffic control sign or signal.
5. **“Business Districts”** means the territory contiguous to, and including, a highway or major roadway, when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.
6. **“Residential Districts”** mean all areas of the City not included in business districts.

(Code of Iowa, Sec. 321.1)

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as required by the Iowa Department of Public Safety. A copy of this report shall be filed with the Chief of Police or Law Enforcement Officer. All such reports shall be for the confidential use of the police department or Law Enforcement Officer, and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.

(Code of Iowa, Sec. 321.266)

3-3-4 POLICE DEPARTMENT/LAW ENFORCEMENT OFFICER TO SUBMIT ANNUAL REPORTS. The Police Chief or Law Enforcement Officer shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS.

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this Chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

Officers of the fire department may direct or assist the police in directing traffic there at or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer, or direction of a fire department officer during a fire; or who fails to abide by the provisions of this Chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles, and the law of the road, is in violation of this Chapter. These sections of the Code are adopted by reference:

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| 1. | 321.98 | Operation without registration. |
| 2. | 321.180 | Violations of instruction permit limitations. |
| 3. | 321.193 | Violation of conditions of restricted license. |
| 4. | 321.194 | Violation of conditions of minor’s school license. |
| 5. | 321.216 | Unlawful use of license. |

6.	321.218	Driving without a valid license (as to simple misdemeanor offenses only).
7.	321.219	Permitting unauthorized minor to drive.
8.	321.220	Permitting unauthorized person to drive.
9.	321.229	Failure to comply with lawful order of peace officer.
10.	321.231	Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
11.	321.232	Radar jamming devices.
12.	321.234	Failure to observe seating requirements.
13.	321.236	(Parking) Violation of local Ordinance (not a state offense).
14.	321.256	Failure to obey traffic control device.
15.	321.257	Failure to obey or yield to pedestrian or to official traffic control signal.
16.	321.260	Unlawful possession of, or interference with traffic control device.
17.	321.264	Striking unattended vehicle.
18.	321.265	Striking fixtures upon a highway.
19.	321.275	Motorcycle and motorized bicycles violations.
20.	321.277	Reckless driving.
21.	321.278	Drag racing prohibited.
22.	321.285	Speed restrictions.
23.	321.286	Truck speed limits (highway).
24.	321.287	Bus speed limits (highway).
25.	321.288	Failure to maintain control.
26.	321.294	Failure to maintain minimum speed when directed by officer.
27.	321.295	Excessive speed on bridge.
28.	321.297	Driving on wrong side of two-way highway.
29.	321.298	Failure to yield half of roadway upon meeting vehicle.
30.	321.299	Passing on wrong side.
31.	321.303	Unsafe passing.
32.	321.304	Unlawful passing.
33.	321.305	Violating one-way traffic designation.
34.	321.306	Improper use of lanes.
35.	321.307	Following too closely.
36.	321.308	Following too closely (trucks and towing vehicles).
37.	321.309	Failure to use approved drawbar.
38.	321.310	Unlawful towing of four-wheeled trailer.
39.	321.311	Turning from improper lane.
40.	321.312	Making U-turn on curve or hill.
41.	321.313	Unsafe starting of a stopped vehicle.
42.	321.314	Unsafe turn or failure to give signal.
43.	321.315	Failure to give continuous turn signal.
44.	321.316	Failure to signal stop or rapid deceleration.
45.	321.317	Signal light requirements; see equipment violation.
46.	321.318	Incorrect hand signal.
47.	321.319	Failure to yield to vehicle on right.
48.	321.320	Failure to yield upon left turn.
49.	321.321	Failure to yield upon entering through highway.
50.	321.322	Failure to obey stop or yield sign.
51.	321.323	Unsafe backing on highway.
52.	321.324	Failure to yield to emergency vehicle.
53.	321.325	Pedestrian disobeying traffic control signal.
54.	321.326	Pedestrian walking on wrong side of highway.
55.	321.327	Pedestrian right-of-way.
56.	321.328	Pedestrian failing to use crosswalk.
57.	321.329	Vehicle failing to yield to pedestrian.
58.	321.331	Soliciting ride from within roadway.
59.	321.332	Unlawful use of white cane.
60.	321.333	Failure to yield to blind person.
61.	321.340	Driving in or through safety zone.
62.	321.341	Failure to properly stop at railroad crossing.
63.	321.342	Failure to obey stop sign at railroad crossing.
64.	321.343	Failure to stop certain cargo or passenger vehicle at railroad crossing.
65.	321.344	Unlawful movement of construction equipment across railroad track.

66.	321.353	Unsafe entry into sidewalk or roadway.
67.	321.354	Stopping on traveled part of highway.
68.	321.358	Stopping, standing, or parking where prohibited.
69.	321.360	Prohibited parking in front of certain buildings.
70.	321.361	Parking too far from curb/angular parking.
71.	321.362	Parking without stopping engine and setting brake.
72.	321.363	Driving with obstructed view or control.
73.	321.365	Coasting upon downgrade.
74.	321.366	Improper use of median, curb, or controlled access facility.
75.	321.367	Failure to maintain distance fire-fighting vehicle.
76.	321.368	Crossing unprotected fire hose.
77.	321.369	Putting debris on highway/roadway.
78.	321.370	Removing injurious material.
79.	321.371	Clearing up wrecks.
80.	321.372	School bus provisions.
81.	321.377	Excessive speed of school bus.
82.	321.381	Driving or towing unsafe vehicle.
83.	321.382	Operating underpowered vehicle.
84.	321.383	Failure to display reflective device on slow-moving vehicles.
85.	321.384	Failure to use headlamps when required.
86.	321.385	Insufficient number of headlamps.
87.	321.386	Insufficient number of headlamps-motorcycles and motorized bicycles.
88.	321.387	Improper rear lamp.
89.	321.388	Improper registration plate lamp.
90.	321.389	Improper rear reflector.
91.	321.390	Reflector requirements.
92.	321.391	Improper type of reflector.
93.	321.392	Improper clearance lighting on truck or trailer.
94.	321.393	Lighting device color and mounting.
95.	321.394	No lamp or flag on rear-projecting load.
96.	321.395	Parking on certain roadways without parking lights.
97.	321.397	Improper light on bicycle.
98.	321.398	Improper light on other vehicle.
99.	321.402	Improper use of spotlight.
100.	321.403	Improper use of auxiliary driving lights.
101.	321.404	Improper brake light.
102.	321.408	Back-up lamps.
103.	321.409	Improperly adjusted headlamps.
104.	321.415	Failure to dim.
105.	321.419	Improper headlighting when night driving.
106.	321.420	Excessive number of driving lights.
107.	321.422	Lights of improper color-front or rear.
108.	321.423	Special light/signal provision.
109.	321.430	Defective braking equipment.
110.	321.431	Brake performance ability.
111.	321.432	Defective audible warning device.
112.	321.433	Unauthorized use of emergency audible warning devices on motor vehicle.
113.	321.434	Use of siren or whistle on bicycle.
114.	321.436	Defective or unauthorized muffler system.
115.	321.437	Mirrors.
116.	321.438	Windshields.
117.	321.439	Defective windshield wiper.
118.	321.440	Defective tires.
119.	321.441	Unauthorized use of metal tire or track.
120.	321.442	Unauthorized use of metal projection on wheels.
121.	321.444	Failure to use safety glass.
122.	321.445	Failure to maintain or use safety belts.
123.	321.446	Failure to secure child.
124.	321.449	Special regulations.
125.	321.450	Hazardous materials.
126.	321.454	Width and length violations.

127.	321.455	Excessive side projection of load – passenger vehicle.
128.	321.456	Excessive height.
129.	321.457	Excessive length.
130.	321.458	Excessive projection from front of vehicle.
131.	321.459	Excessive weight – dual axels (each over 2000 lb. over).
132.	321.460	Spilling loads on highways.
133.	321.461	Excessive tow-bar length.
134.	321.462	Failure to use required towing equipment.
135.	321.463	Maximum gross weight.
136.	321.466	Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES.

3-3-7 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. The City Council shall cause to be placed, and maintained, traffic control devices when, and as required under this Chapter, or other Ordinances of this City, to make effective their provisions, and may so cause to be placed and maintained, such additional, emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require; to regulate traffic under the traffic Ordinances of this City, or under State Law, or to guide or warn traffic.

The City council shall keep a record of all traffic control devices maintained by the City.

All traffic control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 & 321.256)

3-3-8 CITY COUNCIL TO DESIGNATE CROSSWALKS, ESTABLISH AND MARK TRAFFIC LANES. The City Council is hereby authorized to:

1. Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections, where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.
2. Mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of this City. Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of a lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

3-3-9 PLAY STREETS. The City Council has the authority to declare any street, or part thereof, a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Whenever authorized signs are erected, indicating any street or part thereof as a play street, no person shall drive a vehicle upon the street, or any portion thereof, except drivers of vehicles having business, or whose residences are within the closed area; and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

SPEED REGULATION.

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State Law upon the following streets, or portions thereof, is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

1. Increased speed limit: Hwy 1 from North Entrance of City Limits to Mulberry Street to 45 MPH
Broad Street from Mulberry Street to Cass Street to 35 MPH
Main Street Bridge to Jackson Street to 35 MPH
Main Street from Jackson Street to South City Limits to 45 MPH
2. Lower speed limit: None of record.

(Code of Iowa, Sec. 321.290)

TURNING MOVEMENTS.

3-3-11 TURNING MARKERS, BUTTONS, AND SIGNS. The City Council may cause markers, buttons, or signs to be placed within, or adjacent to, intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State Law, be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-12 AUTHORITY TO PLACE RESTRICTED TURN SIGNALS. The City Council is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event, the same shall be plainly indicated on signs.

3-3-13 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected, indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

3-3-14 "U" TURNS. It shall be unlawful for a driver to make a "U" turn except at an intersection. "U" turns are prohibited at intersections within the business district, and at intersections where there are automatic traffic signals.

ONE-WAY STREETS AND ALLEYS.

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley, the City Council shall cause to be placed and maintained, signs giving notice thereof, and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite directions is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this Section.

3-3-16 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys, vehicular traffic shall move only in the indicated direction:

1. 1st Street from Main to Dodge Street.

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The City Council is authorized to determine certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day, and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The City Council may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of center line on the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this Section.

The following streets may have variable lanes or direction of traffic at different times of day as marked by authorized signs under the provisions of this Section:

1. None of record.

SPECIAL STOPS REQUIRED.

3-3-18 THROUGH HIGHWAYS. Streets, or portions of streets, described below are declared to be through Highways:

1. Broad Street (aka: Highway #1) – Main to Franklin Street.

(Code of Iowa, Sec. 321.345 & 321.350)

3-3-19 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway, it shall be the duty of the City Council to cause to be placed, and maintained, a stop sign on each and every street intersecting through the highway, except as modified in the case of intersecting through highways.

- 3-3-20 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS.** At the intersections of through highways, and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazards exist, the City Council is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall erect an appropriate sign at every place where a stop or yield is required.
- 3-3-21 STOP WHEN TRAFFIC IS OBSTRUCTED.** Notwithstanding, any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.
- 3-3-22 When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIAN'S RIGHTS AND DUTIES.

- 3-3-23 PROHIBITED CROSSING.** Pedestrians crossing a street in the business district shall cross in the crosswalks only. (Code of Iowa, Sec. 321.327)
- 3-3-24 PEDESTRIANS ON LEFT.** Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided, pedestrians shall, at all times, when walking on or along a roadway, walk on the left side of the roadway. (Code of Iowa, Sec. 321.326)

METHOD OF PARKING.

- 3-3-25 STANDING OR PARKING CLOSE TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway, except as provided in the case of angle parking, and vehicles parked on the left hand side of one-way streets. (Code of Iowa, Sec. 321.361)
- 3-3-26 STANDING OR PARKING ON THE LEFT-HAND SIDE OF ONE-WAY STREETS.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen inches of the curb or edge of the roadway, except as provided in the case of angle parking. (Code of Iowa, Sec. 321.361)
- 3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING.** The City Council, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets, or portions thereof, indicating the method of angle parking. The determinations shall be subject to approval by Council Resolution. (Code of Iowa, Sec. 321.361)
- 3-3-28 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway, or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.

- 3-3-29 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.** No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or Law Enforcement Officer, or other traffic control device; in any of the following places: (Code of Iowa, Sec. 321.358)
1. On a sidewalk.
 2. In front of a public or private driveway.
 3. Within five (5) feet of either side of the point on a curb nearest a fire hydrant.

4. Within an intersection.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway.
7. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
8. Within twenty (20) feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance when properly sign posted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City, in such a manner, or under such conditions, as to leave available, less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs; or signals of a police officer or Law Enforcement Officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.
15. In an alley under any fire escape at any time.

3-3-30 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility, or when standing or parking vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the City Council may cause curbs to be painted with a yellow or orange color and erect "NO PARKING" or "STANDING" signs. It shall be unlawful for any person, other than after having first secured the permission of the City Council, to paint any curb, sidewalk, or street with yellow or orange colored paint, or to erect "NO PARKING" signs. (Code of Iowa, Sec. 321.358(10))

3-3-31 AUTHORITY TO IMPOUND VEHICLES. Law Enforcement Officers are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

1. When a vehicle is upon a roadway and is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle, are by reason of physical injury, or incapacitated to such an extent as to be unable to provide for its custody or removal.
2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.
3. When any vehicle is left parked upon a street for a continuous period of forty-eight (48) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.
4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

In addition to the penalties hereinafter provided, the owner or driver of any vehicle impounded for violation of any of the provisions in this Chapter, shall be required to pay the reasonable cost of towing and storage charges.

STOPPING, STANDING, OR PARKING.

3-3-32. PARKING SIGNS REQUIRED. Whenever, by this or any other Chapter of this City Code, any parking time limit is imposed or parking is prohibited on designated streets or portions of streets, it shall be the duty of the City Council to erect appropriate signs giving notice thereof, and the regulations shall not be effective unless signs are erected and in place at the time of the alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-33 PROHIBITED PARKING DURING SNOW EMERGENCY. No person shall park, abandon, or leave unattended, any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency as proclaimed by the Mayor, unless the snow has been removed or plowed from said street, alley, or parking area, and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm, and the forty-eight hour period after cessation of the storm, except as above provided upon streets which have been fully opened.

The ban shall be of uniform application, and the City Council is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the City Council shall inform the news media to publicize the proclamation and the parking rules under the emergency. Such emergency may be extended or shortened when conditions warrant.

(Code of Iowa, Sec. 321.236)

3-3-33.5 Those property owners benefiting from City of Keosauqua/Department of Transportation Cost Sharing Agreement which resulted in paved parking area adjacent to their business and adjacent to the newly paved Highway One (1) shall hereafter be responsible for all future repair and maintenance, including snow removal, weed control, and all normal, day-to-day upkeep in order to preserve the appearance of said parking area. (As per agreed at paragraph 7 written Cost Sharing Agreement.)

3-3-34 ALL-NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street marked to prohibit all night parking, and giving notice thereof, for a period of time longer than thirty (30) minutes between the hours of 2 a.m. and 5 a.m. of any day.

3-3-35 TRUCK PARKING LIMITED. Trucks weighing five tons or more, loaded or empty, shall not be parked or allowed to remain within the boundaries of any platted street or alley located within, or adjoining, any residential district/area in the City. The foregoing shall not apply to any vehicle parked on a temporary basis while the contents thereof are being loaded or unloaded. Nor shall trucks weighing five tons or more, loaded or empty, be parked at the following locations on the streets named:

1. 1st Street from Main to Franklin.

3-3-35A TRAILERS.

Semi-trailers, livestock trailers, and trailers exceeding fifteen (15) feet in length shall not be parked on City streets or right-of-way or on private property used for a residential purpose within the City.

3-3-35B ELECTRIC VEHICLE CHARGING.

It shall be unlawful for any person to park or stand a non-electric vehicle in any municipal parking space that has been designated as a public electric vehicle charging station. Further, it shall be unlawful for any person to park or stand an electric vehicle in a municipal parking space that has been designated as a public electric vehicle charging station when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this section, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

3-3-35C [Ord 170] Parking for Personal Vehicles and Recreational Vehicles. This section permits the parking of personal vehicles and recreational vehicles subject to specific conditions.

1. Definitions.

- a. The term "Personal Vehicle" shall mean passenger cars; vans; pickup trucks; camper shells, toppers, trailers, and other similar appurtenances intended for attachment to a personal vehicle; and recreational vehicles. The maximum height of any personal vehicle shall be thirteen feet six inches from grade.
 - b. The term "Recreational Vehicle" means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
2. Location of Parking.
- a. Parking for personal and recreational vehicles is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
 - b. Parking facilities, including driveways, for personal and recreational vehicles within the front-yard setback are permitted on a driveway (outside of an enclosed structure), but shall in no case encroach upon the public right-of-way.
 - c. Parking facilities, including driveways, for personal and recreational vehicles may be located in the rear-yard setback (outside of an enclosed structure and not on the front yard driveway) if the zoning administrator determines that such parking facility conforms to the provisions of this title and does not exceed the maximum impervious coverage limit for the lot.
3. Special Provisions for Recreational Vehicles. Parking and storage of recreational vehicles within residential districts is subject to the following additional conditions.
- a. Recreational vehicles must be maintained in a clean, well-kept state at all times. Spider webs, debris, excessive dirt, weed accumulation on or under a recreational vehicle are prohibited at all times as are broken windows and flat tires.
 - b. All parking facilities for recreational vehicles shall be properly maintained and kept free of weeds, mud, and other debris.
 - c. Recreational vehicles equipped with liquefied petroleum gas containers must ensure that such containers must meet the current standards of the Interstate Commerce Commission, the United States Department of Transportation, or the American Society of Mechanical Engineers. Any valves must be closed at all times that the vehicle is not in preparation for immediate use. Leaks in containers must be repaired immediately.
 - d. Recreational vehicles may be temporarily occupied by guests or owners for a maximum of fourteen consecutive days or thirty days total during any calendar year on a residential or vacant lot.
 - e. No long-term parking or storage is allowed on vacant lots not adjacent to owner's residential property.
 - f. Recreational vehicles or boats shall not be occupied for living purposes outside of days allowed in section 3(d).
 - g. Recreational vehicles may not be permanently connected to utility lines. Sewer hookups are prohibited at all times.
 - h. Recreational vehicles may not be used for the storage of goods, materials, or equipment other than those items which pertain to the use of the vehicle.
 - i. If feasible on a lot, recreational vehicles shall be parked outside of required front-yard and street-side-yard setbacks.
 - j. All covers and tarps or any other material utilized to protect recreational vehicles from the elements must be secured and weatherproof. Rocks, bricks, or other weighted items cannot be used to secure the weatherproofing cover. The use of ropes, bungee cords, adjustable straps, or other similar methods are required to secure the cover to the vehicle.

- k. Recreational vehicles shall be parked or stored outside of the public right of way and at least ten feet from the back of the curb or edge of pavement if no curb exists. The city clerk or designee shall maintain discretion, to declare the parking or storage of recreational vehicles to be a traffic hazard and require immediate removal of the recreational vehicle at any time.

MISCELLANEOUS DRIVING RULES.

- 3-3-36 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area.
- 3-3-37 CLINGING TO VEHICLES.** No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle, or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach same or himself/herself to any vehicle upon a roadway.
- 3-3-38 PARKING FOR CERTAIN PURPOSES PROHIBITED.** No person shall park a vehicle upon the roadway for the principal purpose of:
1. Displaying such vehicle for sale.
 2. Displaying advertising.
 3. Selling merchandise from the vehicle, except in a duly established market place, or when so authorized or licensed under the Ordinances of this City.
 4. Storage or as junk or dead storage for more than forty-eight (48) hours.
- 3-3-39 DRIVING THROUGH FUNERAL OR OTHER PROCESSION.** No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion, and when the vehicles are conspicuously designated as required by this Chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.
- 3-3-40 DRIVERS IN A PROCESSION.** Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical, and shall follow the vehicle ahead as closely as is practical and safe.
- 3-3-41 FUNERAL PROCESSIONS TO BE IDENTIFIED.** A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia, or by such other method as may be determined and designated by Law Enforcement Officers.
- 3-3-42 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS.** No vehicle having an empty weight exceeding 8,000 pounds shall be parked or allowed to remain within the boundaries of any platted street or alley located within, or adjoining, any residential district/area in the City. The foregoing shall not apply to any vehicle adhering to guidelines established for truck routes within this Section.
1. **TEMPORARY WEIGHT RESTRICTIONS.** If the council declares an embargo, when it appears by reason of deterioration, rain, snow, or other climatic conditions, that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs.
- 3-3-43 TRUCK ROUTES.**
1. Every motor vehicle weighing five tons or more, when loaded or empty, having no fixed terminal within the City, or making no scheduled or definite stops within the City, for the purpose of loading or unloading; shall travel over or upon the following streets within the City and none other:

- a. Main Street to Broad Street then North to City Limits.
 - b. Main Street to end of Water Street.
 - c. Franklin Street from West City limits to Broad Street.
2. Any motor vehicle weighing five tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading, shall proceed over or upon the designated routes set out in this Section to the nearest point of its scheduled or definite stop, and shall proceed thereto, load or unload, and return by the most direct route to its point of departure from the designated route.
 3. The owner, or any other person, employing, or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this Section.

BICYCLE REGULATIONS.

3-3-44 DEFINITIONS.

For purposes of this chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:
 - a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
 - b. A device having two or three wheels in contact with the ground with fully operable peddles, a saddle, or seat for use of the rider and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour.

(Code of Iowa, Sec. 321.1)

3-3-45 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. Every person riding a bicycle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles, or by the traffic Ordinances of this City applicable to drivers of vehicles; except as to those provisions which, by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians. Motorized bicycles/e-bikes shall obey the laws pertaining to non-motorized bicycles.

3-3-46 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-47 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle, or one proceeding in the same direction.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path, and shall not use the roadway.

3-3-48 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-49 EMERGING FROM ALLEY OR DRIVEWAY. The operators of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley, shall yield the right of way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway, shall yield the right of way to all vehicles approaching on said roadway.

3-3-50 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars.

3-3-51 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-52 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within the business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right of way to any pedestrian, and shall give a timely audible signal before overtaking and passing a pedestrian.

3-3-53 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear of a type that is visible from all distances from 50 feet to 300 feet to the rear, when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light, visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

SNOWMOBILES.

3-3-54 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates, or is in actual control of a snowmobile.

3-3-55 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows: all streets with the exception of Broad Street from Franklin Street to Main Street; Main Street from Park Street to Broad Street; and 1st Street from Main Street to Franklin Street.

The route established herein shall be the only permitted snowmobile route, and the snowmobiles shall be operated within roadways of said public streets, and shall also be subject to the regulations as listed in Section 3-3-35.

3-3-56 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school ground, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb, or interfere with the peace and quiet of other persons.
4. In a careless, reckless, or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute, except that this provision shall not apply to the operation of a snowmobile on the private property of the owner, by the owner, or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City limits unless the operator shall have a valid driver's license; or an instruction permit, and accompanied by a qualified, licensed driver.

7. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m., except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

3-3-57 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cut-out, by-pass, or similar device on said vehicle.
2. Adequate brakes in good condition, and at least one headlight and one taillight.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which, when pressure is removed from the accelerator, or throttle causes the motor to be disengaged from the driving rack.

3-3-58 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be, or remain unattended on public property while the motor is running, or the key left in the ignition.

3-3-59 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets, or alleys, or other City property within the City, when the public safety and welfare so requires.

3-3-60 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals, and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer or Law Enforcement Officer of the City authorized to direct or regulate traffic.

PENALTIES AND PROCEDURE ON ARREST.

3-3-61 CITATION PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a written parking citation giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear at the place designated in the citation within seven days, or to pay the local scheduled fine established by the Section titled "LOCAL PARKING FINES" in this Chapter at the Clerk of Court's office as provided therein.

3-3-62 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State Law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint that was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint, was, at the time of such parking violation, the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time, during which such violation occurred.

3-3-63 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail, or in person at the Clerk of Court's office within seven days of the violation, for the following parking violations: [ORD. 110]

- | | |
|-----------------------|----------|
| 1. Overtime parking | \$20.00 |
| 2. Prohibited parking | \$20.00 |
| 3. No parking zone | \$20.00 |
| 4. Blocking alley | \$20.00 |
| 5. Illegal parking | \$20.00 |
| 6. Street cleaning | \$20.00 |
| 7. Snow removal ban | \$20.00 |
| 8. Handicap parking | \$200.00 |

(Code of Iowa, Sec. 321L.4 Sub.2)

3-3-64 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking, under the parking Ordinances of this City or of State Law, fails to make payment of the scheduled fine, as specified on a parking citation affixed to such motor vehicle within seven days, the City shall send the owner of the motor vehicle to which the parking citation was affixed, a letter informing the owner of the violation and warning that in the event such letter is disregarded for a period of five days from the date of mailing, a court citation will be issued requiring a court appearance, and subjecting the violator to court costs.

GOLF CARTS.

[ORD. 128]

3-3-65 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of the City of Keosauqua, Iowa, except as prohibited in 3-3-65, by persons possessing a valid Iowa operator's license and liability insurance on the golf cart. Operator shall not leave the cart unattended, motor running, or key remaining in the ignition.

3-3-66 PROHIBITED STREETS. Golf carts shall not be operated upon any city street which is a primary road extension through the City, to-wit: Highway 1. However, golf carts may cross such primary road extension. Golf carts shall not be parked or permitted to obstruct a sidewalk.

3-3-67 EQUIPMENT. Golf carts operated upon city streets shall be equipped with a slow moving vehicle sign, and a bicycle safety flag at all times during operation, and shall have adequate brakes.

3-3-68 HOURS. Golf carts may be operated on city streets only between sunrise and sunset.

3-3-69 REGISTRATION. Golf carts operated on city streets are not required to be registered.

3-3-70 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain" vehicle includes off-road utility vehicles as defined in section 321.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

..... (Code of Iowa, Sec 321.1)

Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of Sections 321.25 and 321.26.

2. "Off-road motorcycle" means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. "Off-road motorcycle" includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

3. "Off-road utility vehicle(UTV)" means a motorized vehicle with no less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control as defined in Section 321.1(17), Iowa Code.

(Code of Iowa, Sec. 321.1(1))

3-3-64 PROHIBITIONS.

No person shall operate an ATV, off-road motorcycle or off-road utility vehicle in the city.

TITLE III - COMMUNITY PROTECTION

CHAPTER 4 FIRE PROTECTION

3-4-1	Establishment and Purpose	3-4-5	Liability Insurance
3-4-2	Volunteer Fire Fighters	3-4-6	Fires Outside City Limits
3-4-3	Fire Fighter's Duties		
3-4-4	Worker's Compensation and Hospitalization Insurance		

- 3-4-1 ESTABLISHMENT AND PURPOSE.** A volunteer fire department is hereby established to prevent and extinguish fires, and to prevent lives and property against fires; to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.
(Code of Iowa, Sec. 364.16)
- 3-4-2 VOLUNTEER FIRE FIGHTERS.** Residents of Keosauqua, Iowa, at least eighteen years of age, shall be appointed to serve as volunteer fire fighters. Prior to appointment as a volunteer fire fighter, and every four years thereafter, a volunteer fire fighter must pass a medical physical examination.
(Code of Iowa, Sec. 362.10)
- 3-4-3 FIRE FIGHTER'S DUTIES.** When called by the fire chief, all fire fighters shall report for duty immediately in the manner directed by the chief. They shall be subject to call at any time. They shall obey strictly, the commands of any other fire fighter who has been appointed by the chief to be in command temporarily. Fire fighters shall report for training as ordered by the chief.
(Code of Iowa, Sec. 372.13(4))
- 3-4-4 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE.** The City Council shall contract to insure the City against liability for worker's compensation, and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.
- 3-4-5 LIABILITY INSURANCE.** The City Council shall contract to insure against liability of the City, or members of the department for injuries, death, or property damages arising out of, and resulting from the performance of departmental duties.
- 3-4-6 FIRES OUTSIDE CITY LIMITS.** The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists, and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.
(Code of Iowa, Sec. 364.16)

TITLE III - COMMUNITY PROTECTION

CHAPTER 5 CURFEW FOR MINORS

3-5-1 Preamble	3-5-4 Offenses
3-5-2 Findings and Purpose	3-5-5 Defenses
3-5-3 Definitions	3-5-7 Penalty, Municipal Infraction

3-5-1 PREAMBLE. The City of Keosauqua recognizes that all citizens, including minors, have certain inalienable rights, and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens, including minors, have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This Section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercises of religious worship and political association, and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters, or association for the purpose such as marches, demonstrations, picketing, or prayer vigils, which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-5-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 16 in the City of Keosauqua, and

Persons under the age of 16 are particularly susceptible, by their lack of maturity and experience, to participate in unlawful and gang-related activities, and to be victims of older perpetrators of crime; and

The City of Keosauqua has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over, and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-5-3 DEFINITIONS. In this Chapter the following definitions apply:

1. "Curfew hours" mean 12:01 a.m. until 5:00 a.m.
2. "Emergency" means an unforeseen combination of circumstances, or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
3. "Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.
4. "Guardian" means:
 - a. A person who, under court order, is the guardian of the person of a minor; or
 - b. A public or private agency with whom a minor has been placed by a court.
5. "Minor" means any person under 16 years of age.
6. "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership, and the officers of a corporation.
7. "Parent" means a person who:
 - a. Is a biological parent, adoptive parent, or step-parent of another person; or

- b. At least 18 years of age, and authorized by a parent or guardian to have the care and custody of a minor.
- 8. "Public Place" means any place to which the public, or a substantial group of the public, has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- 9. "Remain" means to:
 - a. Linger or stay; or
 - b. Fail to leave the premises when requested to do so by a police officer or Law Enforcement Officer, or the owner, operator, or other person in control of the premises.
- 10. "Serious Bodily Injury" means bodily injury that creates a substantial risk of death, or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-5-4 OFFENSES.

- 1. A minor commits an offense if the minor remains in any public place, or on the premises of any establishment within the City during curfew hours.
- 2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control, allow the minor to remain in any public place, or on the premises of any establishment within the City during curfew hours.
- 3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-5-5 DEFENSES.

- 1. It is a defense to prosecution under this Chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, if the neighbor did not complain to the police department or Law Enforcement Officer about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults, and sponsored by the City of Keosauqua, a civic organization, or another similar entity that takes responsibility for the minor, or going to, or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Keosauqua, a civic organization, or another similar entity that takes responsibility for the minor.
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of Religion, Freedom of Speech, and the Right of Assembly; or
 - i. Married, or had been married.
- 2. It is a defense to prosecution under Subsection 3-6-4(3) that the owner, operator, or employee of an establishment promptly notified the police department or Law Enforcement Officer that a minor was present on the premises of the establishment during curfew hours, and refused to leave.

3-5-7 PENALTY, MUNICIPAL INFRACTION. The violation of this Chapter shall be a municipal infraction with penalties not to exceed those contained in this City Code.

TITLE III - COMMUNITY PROTECTION

CHAPTER 6 PEDDLERS, SOLICITORS, & TRANSIENT MERCHANTS

3-6-1	Definitions	3-6-5	Hours of Solicitation
3-6-2	Exemptions	3-6-6	Consumer Protection Law
3-6-3	Permits	3-6-7	Bond Required
3-6-4	Requirements	3-6-8	Obstruction of Pedestrian or Vehicle Traffic
		3-6-9	Display of Permit
		3-6-10	Permit Not Transferable
		3-6-11	Revocation of Permit

3-6-1 DEFINITIONS. For use in this Chapter, the following terms are defined as follows:

1. A “peddler” is any person carrying or transporting goods or merchandise, who sells, or offers for sale, for immediate delivery such goods or merchandise from house-to-house or upon the public street.
2. A “solicitor” is any person who solicits, or attempts to solicit, from house-to-house, or upon public streets, orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purpose of this Chapter “solicitor” does not include a person who contacts another person at such person’s residence, without prior invitation, to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or services.

3. A “transient merchant” includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings, or causes to be brought within the municipality, any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail, such goods, wares or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this Chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruits, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-6-2 EXEMPTIONS. The provisions of this Chapter shall not apply to nonprofit, civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-6-3 PERMITS. Before any person or organization engages in any of the practices defined herein, they must comply with all applicable Ordinances, and must also obtain from the City Clerk, a permit in accordance with the provisions of Sections 3-6-4 and 3-6-5. This permit shall extend no longer than 60 days. A fee of \$10.00 shall be paid at the time of registration to cover the cost of investigation and issuance.

(Code of Iowa, Sec. 9C.2)

3-6-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-6-1 of this Chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.

3. A brief description of the nature of the sales method.
4. Name and address of the firm for, or on whose behalf, the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, nature of the offense, and the name of the court imposing the penalty.
7. Motor vehicle make, model, year, color, and registration number – if a vehicle is to be used in the proposed solicitation.

3-6-5 HOURS OF SOLICITATION. No person may conduct those activities described in 3-7-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-6-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State Law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service, and comply with the other requirements of the law.

3-6-7 BOND REQUIRED. Before a permit under this Chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary; (1) to indemnify, the City for any penalties or costs occasioned by the enforcement of this Chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of, or in connection with, the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-6-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in 3-6-1, shall block, or obstruct the path of any pedestrian or vehicular traffic; or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-6-9 DISPLAY OF PERMIT

Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-6-3 of this chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-6-10 PERMIT NOT TRANSFERABLE

Permits issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-6-11 REVOCATION OF PERMIT

The City Council after notice and hearing may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

TITLE III - COMMUNITY PROTECTION

CHAPTER 8 BEER AND LIQUOR LICENSES

3-8-1	Purpose	
3-8-2	Required Obedience To Provisions of This Chapter and State Law	
3-8-3	Action By City Council	
3-8-4	Transfers	

3-8-1 PURPOSE. The purpose of this Chapter is to provide for administration of licenses and permits, and for local regulations; and procedures for the conduct of the sale and consumption of beer, wine, and liquor; for the protections of the safety, health, and general welfare of this Community.
(Code of Iowa, Sec. 364.1)

3-8-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following Sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions.
2. 123.18 Favors from Licensee or Permittee.
3. 123.22 State Monopoly.
4. 123.28 Restrictions on Transportation
5. 123.30 Liquor Control Licenses – Classes
6. 123.31 Application Contents.
7. 123.33 Records.
8. 123.34 Expiration – License or Permit
9. 123.35 Simplified Renewal Procedure.
10. 123.36 Liquor Fees – Sunday Sales
11. 123.38 Nature of Permit or License – Surrender – Transfer
12. 123.39 Suspension or Revocation of License or Permit – Civil Penalty
13. 123.40 Effect of Revocation.
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places – Intoxication – Right to Chemical Test – Exoneration
16. 123.47 Persons Under The Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions.
18. 123.50 Criminal and Civil Penalties.
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibit Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed – Exception as to Conventions and Social Gatherings.
23. 123.122 through 123.145 Beer Provisions (Division II)
24. 123.150 Sunday Sales Before New Year's Day.
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles – Drivers

27. 321.284A Open Containers in Motor Vehicles - Passengers

3-38-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action, as provided by law.

(Code of Iowa, Sec. 123.32(2))

3-8-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance, and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer, proof of dram shop liability insurance, and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE III - COMMUNITY PROTECTION

CHAPTER 9 JUNK AND ABANDONED VEHICLES

3-9-1	Purpose	3-9-7	Auction or Disposal of Abandoned Vehicles
3-9-2	Definitions	3-9-8	Junk Vehicles Declared a Nuisance
3-9-3	Removal of Abandoned Vehicles	3-9-9	Notice To Abate
3-9-4	Notification of Owners & Lien Holders	3-9-10	Abatement by Municipality
3-9-5	Impoundment Fees and Bonds	3-9-11	Collection Of Cost of Abatement
3-9-6	Hearing Procedures	3-9-12	Exceptions
		3-9-13	Interference with Enforcement

3-9-1 PURPOSE. The purpose of this Chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 364.1)

3-9-2 DEFINITIONS. For the purpose of this Chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:
 - a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates, or two or more wheels or other parts which render the vehicle totally inoperable; or
 - b. A vehicle that has remained illegally on public property for more than twenty-four hours or
 - c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or
 - d. A vehicle that has been legally impounded by order of the City Council and has not been reclaimed for a period of ten days ; or
 - e. Any vehicle parked on the street determined by the Chief of Police or Law Enforcement Officer to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(a))
2. "Private property" means any real property within the City which is not public property as defined in this Section.
3. "Public property" means any public right-of-way open for the purposes of vehicular travel.
4. A "junk vehicle" means any unlicensed vehicle stored within the corporate limits of the City of Keosauqua, Iowa, and which has any of the following characteristics:
 - a. Any vehicle with a broken or cracked windshield, or window, headlight, or any other cracked or broken glass.
 - b. Any vehicle with a broken or loose fender, door, bumper, hood, or door handle, window handle, steering wheel, trunk top, trunk handle, or tail pipe.
 - c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

- d. Any motor vehicle that lacks an engine, two or more wheels, or other structural parts which render said motor vehicle totally inoperable.
- e. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

f. Any vehicle left unattended on jacks, blocks, or elevated in any way constituting a safety hazard or threat to the public health or welfare.

- 5. "Vehicle" means every device in, upon, or by, which a person or property is, or may be transported, or drawn upon a highway or street; excepting devices moved by human power or used exclusively upon stationary rails or tracks, and shall include, without limitation, a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

3-9-3 REMOVAL OF ABANDONED VEHICLES.

- 1. The law enforcement officer may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in Section 3-9-2(1). The City Council may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.
- 2. The impoundment and storage of all vehicles pursuant to this Chapter shall be in such areas or places designated by the City Council.
- 3. When a vehicle is taken into custody and impounded under the provisions of this Chapter, the law enforcement provider shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Code of Iowa, Sec. 321.89(2))

- 4. Nothing in this Chapter shall govern the procedures of any police officer or Law Enforcement Officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations in this Chapter.

3-9-4 NOTIFICATION OF OWNERS AND LIEN HOLDERS.

- 1. When a vehicle is taken into custody under the provisions of this Chapter or under any provisions of State law, the law enforcement officer shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lien holders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:
 - a. Describe the year, make, model, and serial number of the vehicle.
 - b. Describe the personal property found in the vehicle.
 - c. Describe the location of the facility where the vehicle is being held.
 - d. Inform the persons receiving notice:
 - (1) Of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;
 - (2) That the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;
 - (3) That failure of the owner or lien holders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner, and all lien holders of all right, title, claim, and interest in the vehicle;

- (4) That failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.
- e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the law enforcement officer or the assessment of fees and charges provided by this Chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-9-6.
 - f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.
 - g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-9-5. (Code of Iowa, Sec. 321.90(3)(a))
2. The owner or any person receiving notice regarding reclaiming vehicle should contact the Van Buren County Sheriff's Office for instruction. (Code of Iowa, Sec. 321.89(3)(a))
3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this Chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this Section. Published notice shall be used if:
- a. The identity of the last registered owner cannot be determined, or
 - b. The registration contains no address for the owner, or
 - c. It is impossible to determine with reasonable certainty the identity and address of all lien holders. (Code of Iowa, Sec. 321.89(3)(b))
4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have right, title, claim, or interest in or to the vehicle.
5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lien holders after the ten day reclaiming period. (Code of Iowa, Sec. 321.89(3))

3-9-5 IMPOUNDMENT FEES AND BONDS.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this Chapter or any other provision of law may recover such vehicle, such person shall present to the law enforcement officer evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:
 - a. An impoundment fee
 - b. Towing charges
 - c. Preservation charges
 - d. Storage charges
 - e. Notice charges (Code of Iowa, Sec. 321.89(3)(a))
2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.
3. If a hearing is requested under Section 3-9-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:
 - a. The fees required by Sec. 3-9-5(1)
 - b. The amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic

violation notice or warrant.

3-9-6 HEARING PROCEDURES.

1. The registered owner, any lien holder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to Section 1-4-1 et seq.

(Code of Iowa, Sec. 321.89(3))

3-9-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES.

The City Council shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

(Code of Iowa, Sec. 321.89(4))

3-9-8 JUNK VEHICLES DECLARED A NUISANCE.

Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Keosauqua, Iowa, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any junk vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-9-9 NOTICE TO ABATE.

1. Whenever the City Council shall find a junk vehicle placed or stored on private property within the City in violation of 3-9-8, the City Council shall notify, by certified mail with five-days return receipt, the following persons:
 - a. The owner of the property
 - b. The occupant of the property
2. The notice to abate shall:
 - a. Describe, to the extent possible, the year, make, model and color of the vehicle
 - b. Describe the location of the vehicle
 - c. State that the vehicle constitutes a nuisance under the provisions of this Chapter
 - d. State that the owner of the property shall remove or repair the said junk vehicle within ten days

3-9-10 ABATEMENT BY MUNICIPALITY.

If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality.

(Code of Iowa, Sec. 364.12(3)h))

3-9-11 COLLECTION OF COST OF ABATEMENT.

The Clerk shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and the costs shall then be collected with, and in the same manner, as general taxes.

(Code of Iowa, Sec. 364.12(3)h))

3-9-12 EXCEPTIONS. This Chapter shall not apply to the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefore, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-9-13 INTERFERENCE WITH ENFORCEMENT.

No person shall interfere in any way with the enforcement provision of this Chapter

TITLE III - COMMUNITY PROTECTION

CHAPTER 10 DRUG PARAPHERNALIA

3-10-1 Definitions	
3-10-2 Exemption	
3-10-3 Prohibition	

3-10-1 DEFINITIONS.

As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-10-2 EXEMPTION.

"Drug Paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa, Sec. 124.414)

3-10-3 PROHIBITION.

It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

TITLE III - COMMUNITY PROTECTION

CHAPTER 11 CORPORATE SURETY BONDS & CONSTRUCTION IN CITY RIGHTS OF WAY EASEMENTS

3-11-1	Permits and Corporate Surety Bonds
3-11-2	Conditions of Corporate Surety Bonds

3-11-1 PERMITS AND CORPORATE SURETY BONDS. Only persons and contractors who have on file with the City Clerk, a Corporate Surety Bond shall be issued a permit for construction within city rights of way or city easements.

3-11-2 CONDITIONS OF CORPORATE SURETY BONDS. All persons and contractors working within city rights of way or city easements shall execute unto the City of Keosauqua and deposit with the City Clerk a corporate surety bond in the sum of \$500,000 conditioned that the party will perform faithfully, all work with due care and skill, and in accordance with the laws, rules, and regulations established under the authority of any Ordinances of the City of Keosauqua. This bond shall state that the person will indemnify and save harmless the City of Keosauqua and the owner of the premises against all damages, costs, expenses, outlay, and claims of every nature and kind arising out of un-skillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

TITLE III - COMMUNITY PROTECTION

CHAPTER 12 ADOPTION OF INTERNATIONAL CODES

3-12-1	Adoption of International Codes

3-12-1 – [Ord 169] Adoption of International Codes.

The following international codes published by the International Code Council and all subsequent provisions, modifications or supplements thereto are adopted as if fully set forth verbatim herein:

- (a) International Electrical Code—Administrative Provisions regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of electrical systems and providing for the issuance of permits and collection of fees;
- (b) International Plumbing Code regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of plumbing systems and providing for the issuance of permits and collection of fees;
- (c) International Fire Code regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits for hazardous uses or operations;
- (d) International Private Sewage Disposal Code regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of sewage systems and providing for the issuance of permits and collection of fees;
- (e) International Mechanical Code regulating the design, construction, quality of materials, erection, installation, addition to, use or maintenance of mechanical systems and providing for the issuance of permits and collection of fees;
- (f) International Fuel Gas Code for the control of building and structures relating to the storage of fuel gas;
- (g) International Energy Conservation Code regulating the use of design, construction, quality of materials, erection, installation, addition to, use or maintenance of buildings, mechanical, lighting and power systems and providing for the issuance of permits and collection of fees;
- (h) International Residential Code regulating the use of design, construction, quality of materials, erection, installation, addition to, use or maintenance of one and two family dwellings and providing for the issuance of permits and collection of fees;
- (i) International Building Code for the control of buildings and structures;
- (j) International Property Maintenance Code for the control of buildings and structures.

Any violation of a provision in any of the above-listed international codes is a municipal infraction.

TITLE IV - MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

4-1-1	Definitions	4-1-6	Cruelty To Animals
4-1-2	Immunization	4-1-7	Exhibitions and Fights
4-1-3	At Large Prohibited	4-1-8	Dangerous Animals
4-1-4	Animal Nuisances	4-1-9	Keeping a Vicious Dog or Cat
4-1-5	Impounding		

4-1-1 DEFINITIONS. For use in this Chapter, the following term are defined:

1. The term “dogs” shall mean both male and female animals of the canine species whether altered or not.
2. The term “at large” shall mean any animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, or a leash, or “at heel” beside a competent person, and obedient to that person’s command.
3. The term “owner” shall mean any person or persons, firm, association, or corporation owning, keeping, sheltering, or harboring an animal. (Code of Iowa, Sec. 351.2)

4-1-2 IMMUNIZATION. [ORD. 114] All dogs and cats six (6) months or older shall be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog and cat when not confined.

(Code of Iowa, Sec. 351.33 & 351.34)

4-1-3 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large. (Code of Iowa, Sec. 351.41)

4-1-4 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person’s control or within such person’s custody, to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles, or defecates on private property other than the owner’s or on public walks, and recreation areas, unless such waste is immediately removed and properly disposed of by the owner.
2. Causes unsanitary, dangerous, or offensive conditions.
3. Causes disturbances by excessive barking or other noise making, or chasing vehicles; or molests, attacks, or interferes with persons or other domestic animals on public property. (Code of Iowa, Sec. 657.1)

4-1-5 IMPOUNDING. [ORD. 114]

1. Any dog or cat found at large in violation of Section 4-1-3 and 4-1-4 of this Chapter shall be seized and impounded, or at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Owners of dogs and cats shall be notified within two (2) days that upon payment of impounding fees of \$25.00 payable to City Hall, plus cost of vet fees for food and care, in a reasonable amount, the dog or cat will be

returned. If the dogs or cats are not recovered by their owners within seven (7) days after notice, the dogs or cats shall be disposed of in a humane manner as directed by the City Council. (Code of Iowa, Sec. 351.37)

4-1-5.5 USE OF TRAPS. [ORD. 119]

4-1-5.5(1) PURPOSE. The purpose of this Amendment is to establish reasonable regulations and restrictions for the act of trapping animals, understood to include any live (or dead, where applicable) domestic creature, male or female, and including dogs and cats, fowl and reptiles, kept as pets, except the trapping of wild or dangerous animals as are otherwise sanctioned and regulated by the State Department of Natural Resources, or other conservation peace officer, and excepting those traps set and maintained by officers of the Department of Natural Resources, law enforcement, designated animal control officers (if there are any) or other persons acting under written permission of such officials, consistent with existent law, or administrative regulation, for the purpose of controlling animals determined by such officials to be dangerous, a public hazard, or nuisance.

4-1-5.5(2) PROHIBITED TRAPS. Except for those matters specifically excepted, no person shall capture, take, or attempt to capture or take by use of connibear traps, snare traps, steel jaw traps, leghold traps, or any similar device designed to catch and hold the animal by the leg or other part of the body; or which is likely for any reason to cause injury or inflict pain and suffering before death, and the use of any such devices within the city limits of Keosauqua, is specifically prohibited.

4-1-5.5(3) HUMANE LIVE BOX TRAPS - AUTHORIZED. Humane live box traps on public or private property, with the written permission of the State Department of Natural Resources, the Mayor or City Council, or its designated agent, and where private property is affected, with the permission of the owner of that private, additionally, are not prohibited by this Chapter, provided a determination is made that continued status of the animal at-large will constitute a nuisance, or a hazard. Animal(s) so trapped are subject to other provisions of this Chapter, including impoundment and cost of impoundment.”

4-1-6 CRUELTY TO ANIMALS. [ORD. 122]

It shall be unlawful for any person to:

- (1) Beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the City of Keosauqua.
- (2) Sell, offer for sale, barter or give away as a pet or a novelty any rabbit, hare, baby chick, duckling or other fowl which has been dyed, colored or otherwise treated to impart an artificial color.
- (3) Kill or wound, or attempt to kill or wound, or take the eggs of young of any game or song bird.
- (4) Knowingly poison or cause to be poisoned any domestic animal except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property.

4-1-7 EXHIBITIONS AND FIGHTS. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, beat, injured, or killed, or any fight between animals or between a person and an animal; or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

4-1-8 DANGEROUS ANIMALS. [ORD. 114]

1. **Dangerous Animals Prohibited.** No person shall keep, shelter, or harbor, for any purpose, within the City Limits, a dangerous animal.
2. **Definitions.** A dangerous animal is:
 - a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.
 - b. The following are animals which shall be deemed to be dangerous animals per se:
 1. Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats.
 2. Wolves, coyotes, and foxes.

3. Badgers, wolverines, weasels, skunks, and mink.
 4. Bears, or Raccoons.
 5. Monkeys, chimpanzees, and apes.
 6. Alligators and crocodiles.
 7. Scorpions and gila monsters.
 8. Snakes that are venomous, or constrictors.
- c. Any animals declared to be dangerous by the City Council.
3. **Dangerous Animals Exceptions.** The keeping of dangerous animals shall not be prohibited in the following circumstances: The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum, where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study, and has obtained the written approval of the City Council.

4-1-9 KEEPING A VICIOUS DOG OR CAT.

An animal is deemed to be vicious when it has attacked, injured, or bitten any person without provocation or has exhibited the propensity to attack, injure, or bite persons or other domesticated animals, unprovoked, and such propensity is known to the owner or to reasonably have been known to the owner thereof.

- A. An animal is deemed vicious under the following circumstances:
1. Has bitten or clawed a person without provocation on two separate occasions within a twelve (12) month period.
 2. Did bite or claw a person, without provocation, causing injuries above the shoulders of a person.
 3. Has attacked any domestic animal, without provocation, on more than two (2) separate occasions during the life of the animal.
 4. Has killed any domestic animal, without provocation, while off the property of the attacking animal's owner.
 5. Has bitten another animal or human, without provocation, that causes a fracture, skin puncture, laceration, cut, or injury to the other animal or human.

Vicious dog means:

1. Any dog which has attacked a human being or domestic animal one or more times, without provocation;
2. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
3. Any dog that snaps, bites, or manifests a disposition to snap or bite;
4. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
5. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the policy department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;
6. Staffordshire Terrier breed of dog;

7. The American Pit Bull breed of dog;
8. The American Staffordshire Terrier breed of dog;
9. The Neapolitan Mastiff (Mastino Napoletano) breed of dog;
10. French Mastiff (Dogue de Bordeaux) breed of dog;
11. Mastiff (Old English Mastiff) breed of dog;
12. Bulmastiff breed of dog;
13. Pyrenees Mastiff breed of dog;
14. Spanish Mastiff breed of dog;
15. Any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file at City Hall.

4-1-10 RESPONSIBLE ANIMAL CARE. [ORD. 122] It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his or her animal;

- (1) Proper Protection, shade and shelter from the weather.
 - A. "Shade" shall mean protection from the direct rays of the sun during the months of June through September.
 - B. "Shelter" as it applies to dogs, shall mean a moisture-proof structure, excluding plastic barrels, of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance 4" higher than the floor to retain bedding material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

4-1-11 CONDITIONS FOR MAINTAINING ANIMALS IN THE CITY LIMITS.

- (1) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
- (2) The quarters in which the animals are kept shall be maintained in a clean condition and good state of repair.
- (3) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
- (4) Sufficient quantity of good and wholesome food and water. Food and water containers shall be kept clean.
- (5) Litter and bedding material shall be changed as often as necessary to prevent odor nuisance. Approved bedding material, which consists of clean straw, cedar chips or other material approved by a veterinarian, is a requirement.
- (6) Prompt removal and sanitary disposal of all excreta deposited by his or her domestic animal anywhere in the City of Keosauqua.
- (7) Yards, pens, premises and animals running at large shall be kept free of insect infestations.
- (8) Excepting only those lawfully permitted tethers of animals grazing, no domestic animal (primarily dog or cat) subject to this Ordinance shall be tied, chained, fastened by rope, cable or chain so as to restrict animal freedom of movement, except as herein provided:
 - a) The tether shall limit animal movement within the property boundary of the owner of the animal.
 - b) The tether shall not be so limited or short, as to prompt animal aggression five (5) feet or shorter; i.e., a leash shall not be used as a tether)
 - c) The tether shall not be so long as to fail to restrain the animal from accessing persons or property not upon the property of the owner of the animal.
 - d) The tether shall at not time be affixed to any public property, fixture, tree, or planting.
 - e) No animal shall be tethered for longer than three (3) hours at a time. Tethering such an animal for longer periods of time shall be presumed to constitute animal cruelty.
 - f) Nothing herein is intended to prohibit an animal owner from confining animal movement and from exercising control of the animal by alternative , adequate substitute technologies such as control collars, radio harness, or radio fence, where appropriate to the circumstances.
 - g) All other provisions of Title IV – Chapter 1 remain applicable to animal control by the owner.

4-1-12 LOCATION AND MAINTENANCE OF DOGHOUSES, PENS AND KENNELS. No dog house, pen or kennel shall be maintained closer than 15 feet from any adjacent property line. All pens, yards or runs or other structures wherein any animal is kept shall be of such construction so as to easily be cleaned and kept in good repair. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

4-1-13 FEMALE ANIMALS IN HEAT. All female animals in heat shall be confined in a building or secure enclosure or upon leash in such a manner that the animal cannot come in contact with a male animal except for planned breeding.

4-1-14 NUMBER OF DOGS AND CATS LIMITED. It shall be unlawful for any person or persons to keep more than five dogs or five cats within the city, with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding five months from birth.

4-1-15 BREEDERS, KENNELS, AND PET STORES. Subject to City of Keosauqua Rules as may be adopted concerning Kennels and notwithstanding other provisions of this Ordinance, the City may, upon application thereto, permit the raising of animals for profit on plots less than two (2) acres in size, but only in a sparsely populated or non-residential area of the City under such conditions as do not adversely affect the health of residents in vicinity of the proposed venture, or create a nuisance. Commercial areas which include any business(es) operated as pet stores offering substantial numbers of animals for sale are deemed appropriate in which to locate self-contained kennels, provided permit(s) are obtained as required and conditions imposed by the Council concerning public health and absence of nuisance can be met. Upon approval by the City Council, a permit shall be issued by the City Clerk, which permit may be removed by the Mayor, or City's designee, upon the showing that health of any persons(s) in the vicinity is adversely affected by said operation, or a nuisance has been created, and is in existence because of said venture. In granting the permit, the City Council may make such restrictions and requirements as are necessary to prevent the creation of a nuisance, and to protect the health of persons residing in the vicinity of said operation, with provision that non-compliance shall require immediate cancellation of the permit. A Breeder's fee of \$75.00 shall be required of each kennel in each year in which such activity is undertaken. In the event of removal or denial of the permit herein, appeal shall be to the full City Council.

4-1-16 MAINTAINING POULTRY. While the City permits domestic fowl to be kept under private ownership, in very regulated and limited circumstances within the City of Keosauqua, primary fixed dwelling for poultry, including domestic female chickens raised for home use, or as pets, within the city limits must be:

- (1) located only in the back yard, compliant with side yard requirements for district.
- (2) located on the side of the yard farthest from neighboring dwelling, if one neighbor only; and approximately equal distance from neighboring dwellings, if more than one neighbor.
- (3) constructed consistent with all applicable laws and standards, including those relating to securing/containment of stock, sanitation, humane treatment of animals, or fowl, waste disposal and security from problems with vermin or predators.
- (4) constructed consistent with the capabilities of the breed of poultry confined (i.e. domestic poultry with no capability of flight, or wings clipped may not require fencing of the same height, as more flight capable breeds requiring wire coverings to the top of their confinements.)
- (5) limited to no more than six (hens.)
- (6) limited to poultry not generally considered excessively noisy—chicken roosters, peafowl and guinea fowl are expressly prohibited (generally limited to hens, females of breed.)
- (7) located not closer than 40 feet from any neighboring dwelling house(s).
- (8) Any neighbor who believes the fence and setback requirements of the Municipal Code, including this Amendment, have not been met, may file an appeal with the Board of Adjustment (Planning and Zoning Commission) for a determination of whether the poultry owner is in substantial compliance with such requirements. Appeal from Board of Review (Planning and Zoning Commission) is as provided by Ordinance.

- (9) Nothing in this chapter shall be deemed to exempt the owner of poultry within the city limits from the enforcement of nuisance, or other laws regarding the keeping of poultry, and the maintenance of the poultry enclosure.

TITLE V - HUMAN DEVELOPMENT

CHAPTER 1 LIBRARY SERVICES

5-1-1 Public Library	5-1-6 Power To Contract With Others For Use
5-1-2 Library Trustees	5-1-7 Non-Resident Use of Library
5-1-3 Qualifications of Trustees	5-1-8 Library Accounts
5-1-4 Organization of the Board	5-1-9 Annual Report
5-1-5 Powers and Duties	

5-1-1 PUBLIC LIBRARY. There is hereby established, a free public library for the City, to be known as the Keosauqua Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Keosauqua Public Library, hereinafter referred to as the board, consists of seven members. All board members shall be appointed by the City Council.

(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. [ORD. 106] All of the members of the board shall be bona fide citizens and residents of the City, and shall be over the age of eighteen (18), except no more than two members of the board may reside outside the city limits, so far as they are a resident of the County.

5-1-4 ORGANIZATION OF THE BOARD.

1. **TERMS OF OFFICE.** All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July 1st. Appointments shall be made every two (2) years of 1/3 the total number, as near as possible, to stagger the terms.

(Code of Iowa Sec. 336.5)

2. **VACANCIES.** The position of any trustee shall be declared vacant if said trustee moves permanently from the City, or if said trustee is absent from 6 consecutive regular meetings of the board, except in the case of sickness, or temporary absence from the City. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the un-expired term for which the appointment is made.

(Code of Iowa Sec. 336.6)

3. **COMPENSATION.** Trustees shall receive no compensation for their services.

(Code of Iowa Sec. 336.7)

5-1-5 POWERS AND DUTIES. The board shall have, and exercise, the following powers and duties:

1. To meet and elect from its members, a president, secretary, and such other officers as it deems necessary.

(Code of Iowa Sec. 336.8(1))

2. To have charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

2. To direct and control all the affairs of the library.
4. To employ a librarian, and other such assistants and employees as may be necessary for the proper management of the library; and fix their compensation, provided, however, that prior to such employment, the compensation of the librarian, assistants, and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof.
(Code of Iowa Sec. 336.8(3))
5. To remove by a 2/3's vote of the board, the librarian and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty; subject, however, to the provisions of Chapter 35C, Code of Iowa.
(Code of Iowa Sec. 336.8(4))
6. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationary, and supplies for the library within budgetary limits set by the board.
(Code of Iowa Sec. 336.7(5))
7. To authorize the use of the library by non-residents of the City and to fix charges therefore.
(Code of Iowa Sec. 336.8(6))
8. To make and adopt, amend, modify, or repeal rules and regulations not inconsistent with Ordinances and the law, for the care, use, government, and management of the library and the business of the board, fixing and enforcing penalties for violations.
(Code of Iowa Sec. 336.8(7))
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the City Council, and of all monies available by gift or otherwise, for the erection of library buildings, and of all other monies belonging to the library, including fines and rentals collected, under the rules of the board.
(Code of Iowa Sec. 336.8(9))
10. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library. To execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.
(Code of Iowa, Sec.336.8(9))
11. To keep a record of its proceedings.
12. To enforce the performance of conditions of gifts, donations, devises, and bequests accepted by the City. The board shall enforce performance by taking action against the City Council.
13. To have authority to make agreements with the local county historical associations, where such exists, and to set apart the necessary room, and to care for such articles as may come into the possession of the association. The trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles, as are, in their judgment, of a historical and educational nature, and pay for the same out of funds allocated for library purposes.
(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. **CONTRACTING.** The board may contract with any other boards of trustees of free public libraries, any other City, School corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library, by their respective residents.

(Code of Iowa, Sec. 336.18(1))

2. **TERMINATION.** Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent (%) in number, of electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be substituted at any election provided by law, that is held in the territory of the party who is seeking to terminate the contract.

(Code of Iowa, Sec. 336.18(2)(a & b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City; or upon payment of a special non-resident library fee.
2. By establishing depositories of library books or other materials to be loaned to non-residents.
3. By establishing bookmobiles, or a traveling library so that books or other materials may be loaned to non-residents.
4. By establishing branch libraries for lending books or other materials to non-residents.
5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and secretary. The warrant writing officer is the City Clerk.**5-1-9 ANNUAL REPORT.** The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year; together with such further information required by the City Council.

Section 392.5, Iowa Code, provides that the Library Board is to continue to function in the same manner until altered or discontinued. No unilateral changes may be made by the Library Board or City Council as to the Library Board composition, the manner of selection, or duties. Consult your City Attorney before making changes to the City's Library Ordinance.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1972. (See Section 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

TITLE V - HUMAN DEVELOPMENT

CHAPTER 2 HISTORIC PRESERVATION COMMISSION

5-2-1 Purpose	5-2-3 Keosauqua Historic Preservation Commission
5-2-2 Definitions	5-2-4 Powers of the Commission

5-2-1 PURPOSE. The purpose and intent of this Ordinance is to:

1. Promote the educational, cultural, economic, and general welfare of the public through recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance.
2. Safeguard the City's Historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance.
3. Stabilize and improve property values.
4. Foster pride in the legacy of beauty and achievements of the past.
5. Protect and enhance the City's attractions to tourists and visitors, and the support and stimulus to business thereby provided.
6. Strengthen the economy of the City.
7. Promote the use of sites and districts of historic and cultural significance, as places for education, pleasure, and welfare of the people of the City.

5-2-2 DEFINITIONS.

1. COMMISSION. The Keosauqua Historic Preservation Commission, as established by this Ordinance.
2. HISTORIC DISTRICT. An area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and;
 - a. embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - b. is associated with events that have made significant contributions to the broad patterns of our local, state, or national history.
 - c. possesses a coherent and distinctive visual character or integrity based on similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.
 - d. is associated with the lives of persons significant in our past; or
 - e. has yielded, or may be likely to yield, information important in prehistory or history.

- 3, HISTORIC SITE. A structure or building which,
 - a. is associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. is associated with the lives of persons significant in our past; or
 - c. embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. has yielded, or may be likely to yield, information important in prehistory or history.

5-2-3 KEOSAUQUA HISTORIC PRESERVATION COMMISSION.

1. The Commission shall initially consist of 5 members who shall be residents of the City.
2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council.
3. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general, or real estate.
4. The original appointment of the members of the Commission shall be three for two years, and two for three years, from January 1 following the year of such appointment or until their successor is appointed to serve for the term of three years.
6. Members may serve for more than one term, and each member shall serve until the appointment of a successor.
5. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
7. Vacancies shall be filled by the City according to the original selection as aforesaid.
8. Members shall serve without compensation.
9. A simple majority of the commission shall constitute a quorum for the transaction of business.
10. The Commission shall elect a Chairman, who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission's proceedings.
11. The Commission shall meet at least three (3) times a year.

5-2-4 POWERS OF THE COMMISSION.

1. The Commission may conduct studies for the identification and designation of historic districts and sites, meeting the definitions established by this Ordinance. (The necessary inventory forms and procedures for their completion are available from the State Bureau of Historic Preservation). The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
2. The Commission may make a recommendation to the State Bureau of Historic Preservation for the listing of a historic district or site in the National Register of Historic Places, and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein, and;

4. Other powers, in addition to those duties and powers specified above, the Commission may, with City Council approval:
 - a. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
 - b. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
 - c. Preserve, restore, maintain, and operate historic properties, under the ownership or control of the Commission.
 - d. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights to public access and other covenants and in a manner that will preserve the property.
 - e. Contract, with the approval of the governing body, with the state or other federal government or other organizations.
 - f. Cooperate with federal, state and local governments in the pursuance of the objectives of historic preservation.
 - g. Provide information, for the purpose of historic preservation, to the governing body.
 - h. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 1 UTILITIES - SANITARY SYSTEM

6-1-1	Definitions	6-1-5	Use of the Public Sewers
6-1-2	Use of Public Sewers Required	6-1-6	Protection from Damage
6-1-3	Private Sewage Disposal	6-1-7	Powers and Authority to Inspectors
6-1-4	Building Sewers and Connections	6-1-8	Penalties

6-1-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

1. "BOD" (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter, or parts per million.
2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building, and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

(IAC 567-69.3(1))

3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(IAC 567-69.3(1))

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.
6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.
8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch, (1.27 centimeters) in any dimension.
11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. "Sanitary Sewer" shall mean a sewer which carries sewage, and to which storm, surface, and ground-waters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm-waters as may be present.
14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. "Sewer" shall mean a pipe or conduit for carrying sewage.
17. "Slug" shall mean any discharge of water, sewage, or industrial waste, which, in any concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.
18. "Storm Drain" (aka – Storm Sewer) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
19. "Superintendent" shall mean the Superintendent of Public Utilities of the City of Keosauqua, or the Superintendent's authorized deputy, agent, or representative.
20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-1-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

(Code of Iowa, Sec. 364.12(3)(f))

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
4. The owner of any house, building, or property used for human occupancy, employment, recreation, or other purposes, situated within the City, and abutting on any street, alley, or right-of-way, in which there is now located, or may in the future, be located a public sanitary or combined sewer of the City, is hereby required at such owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance; provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

(Code of Iowa, Sec. 364.12(3)(f))
(IAC 567-69.3(3))

6-1-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of 6-1-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Section.
2. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit obtained by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed

necessary by the Superintendent. A permit and inspection fee shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. The Superintendent shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Superintendent.
4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
5. At such times a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-1-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Code of Iowa, Sec. 364.12(3)(f))

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.
8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Code of Iowa, Sec. 364.12(3)(f))

6-1-4 BUILDING SEWERS AND CONNECTIONS.

1. [ORD. 104] No unauthorized person shall uncover, make any connections with, or opening into, use, alter, or disturb any public sewer or appurtenance thereof, without first obtaining a written permit from the Superintendent. All actions to uncover, make connections with, or opening into, use, alteration or disturbance pursuant to any permit shall be performed between the hours of 7:30 A.M. and 4:00 P.M., Monday through Friday, except in the case of an emergency, as determined by the Superintendent or his designee.
2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$175.00 for a residential or commercial building sewer permit, and \$200.00 for an industrial building sewer permit, shall be paid to the City at the time the application is filed. Before a permit may be issued for excavating plumbing, the person applying for such permit shall fulfill requirements outlined in 3-11-1.
3. [ORD. 104] All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner is responsible for all cost and maintenance of the building sewer from the building to the city main, including the connection. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. It shall be the owner's responsibility to make sure that the requirements of Keosauqua City Ordinance 6-1-4(6) are satisfied (see below).
4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available, or can be constructed to the rear

building through an adjoining alley, courtyard, or driveway; the building sewer from the front building may be extended to the rear building, and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Superintendent, to meet all requirements of this Ordinance. The Superintendent may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Superintendent and removed or filled with sand, crushed rock, or any other solid material approved by the Superintendent except as exempted by the Superintendent.
6. The building sewer shall be constructed in accordance with applicable portions of the last published State Plumbing Code of Iowa, applicable specifications of the American Society for Testing and Materials (ASTM), and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9.
 - a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Superintendent. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.
 - b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

- (1) Pipe and Fittings – ASTM C-700 “Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated.”
- (2) Coupling and Joints – ASTM C-425 “Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings.”

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturer’s recommendations and shall conform to:

- (1) Pipe – SDR 35 or Heavier.

Minimum Wall thickness:

4” – 0.125”

6” – 0.180”

8” – 0.240”

10” – 0.300”

- (2) Joints – ASTM D-1869, ASTM D-1312, “Flexible Elastomeric Seals.”

- c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.
- d. Unless otherwise authorized, all building sewer shall have a grade of not less than one-eighth (1/8th) inch per foot. A grade of one-fourth (1/4th) inch per foot shall be used wherever practical.
- e. All excavation shall be open trench work unless authorized by the Superintendent. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good, firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four

- inches below the pipe and brought back to the proper grade with gravel, so as to provide a firm foundation and uniform support for the building sewer line. All bedding material within City property and backfill material within 10" (ten inches) above sewer pipe shall be clean 1" gravel. Back-filling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Superintendent. Building sewers shall be laid strait at uniform grade between connections or fittings.
- f. Clean-outs shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.
 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM Specifications (Designation C12). No backfill shall be placed until the work has been inspected by the Superintendent or the Superintendent's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
 8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, submergible pumps, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn, is connected directly or indirectly to a public sanitary sewer.
 9. Each lot owner, when constructing a basement, must install a sump pump, to which foundation drains must be connected to.
 10. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
 11. Each and every part of the building sewer shall be inspected and approved by the Superintendent before being concealed or back-filled. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the Supervision of the Superintendent or the Superintendent's representative.
 12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
 13. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes by reason of plugging of any mains, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.
 14. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.
 15. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance, repair, and blockage of said building sewer, from the point of connection with the building drain to the public sewer.

6-1-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof run-off, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be canceled and/or sewer service

discontinued by the City for any violation of any rule, regulation, or condition of service; and especially for any of the following reasons:

- a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
 - b. Non-payment of bills.
 - c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
 3. No person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant; including, but not limited to, cyanides in excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
 - c. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and flesh, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage incinerators.
 - e. Any water or wastes having (1) a 5 day bio-chemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight, or suspended solids, or (3) having an average daily flow greater than 2% of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary, in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or, (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approval is obtained in writing.
 4. No person shall discharge, or cause to be discharged, the following described substances, materials, waters, or wastes, if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatable wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
 - a. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F (65C).

- b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees. (0 and 65C).
 - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of $\frac{3}{4}$ horse power (0.76 hp metric) or greater shall be subject to review and approval of the Superintendent.
 - d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
 - e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
 - f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.
 - g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
 - h. Any waters or wastes having a pH in excess of 9.5.
 - i. Materials which exert or cause:
 - (1). Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (2). Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3). Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4). Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.
 - j. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in 6-1-5(4), and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes equipment, or receiving waters, or which otherwise create a hazard to life, or constitute a public nuisance, the Superintendent may:
- a. Reject the wastes;
 - b. Require pre-treatment to an acceptable condition for discharge to the public sewers,
 - c. Require control over the quantities and rates of discharge, and/or
 - d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-1-5(10) of this article.

If the Superintendent permits the pre-treatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.
8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.
9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer, to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24 hour composite of all out-falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composite of all out-falls where pH's are determined from periodic grab samples).
10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.
11. No person shall make connection of roof downspouts, exterior foundation drains, area drains, sump pump hoses, or other sources of surface runoff of ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
12. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface draining including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters, into the sanitary sewer. Any discharge from a sump pump must be made in such a manner that the water is discharged at least eight feet from a city street, and eight feet from the property lines of the homeowner.
13. Any person found to be violating any provision of this chapter except Article 6 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. In the case of a prohibited sump pump discharge, the homeowner shall have thirty days in which to correct the prohibited sump pump discharge into the sanitary sewer. The offender shall within the period of time stated in such notice permanently cease all violations.

6-1-6 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-1-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Superintendent or the Superintendent's representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point of having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
2. While performing the necessary work on private properties referred to in 6-1-7(1), the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees; and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in 6-1-5(8).
3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

6-1-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except 6-1-6 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offenders shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 2 TREES

6-2-1 Purpose	6-2-9 Obstruction
6-2-2 Definitions	6-2-10 Nuisance and Condemnation
6-2-3 Tree Board	6-2-11 Protection of Trees
6-2-4 City Superintendent	6-2-12 Appeals
6-2-5 Authority	6-2-13 Interference
6-2-6 Permits	6-2-14 Penalties
6-2-7 Maintenance	6-2-15 Severability
6-2-8 Species, Cultivators, Varieties	

6-2-1 PURPOSE. It is the purpose of this Ordinance to promote and protect the public health, safety, and general welfare, by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Keosauqua.

6-2-2 DEFINITIONS.

1. **PROPERTY OWNER:** The contract purchaser, if there is one of record, otherwise the record holder of legal title.
2. **LARGE TREES:** Those trees attaining a height of 45 feet or more.
3. **PARK:** All public parks having individual names.
4. **TREE LAWN:** The part of a street or highway not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

6-2-3 TREE BOARD. There is hereby created and established a tree board for the City of Keosauqua which shall consist of 5 members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the City Council.

1. The term of the tree board shall be 3 years, except that the term of two members appointed to the first board shall be only 1 year, and the term for two members of the first board shall be for 2 years. Members of the board shall serve without compensation.
2. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed to the un-expired portion of the term. The City Superintendent will serve as ex-officio member of the tree board.
3. It shall be the responsibility of the board to:
 - a. Study, investigate, counsel, and develop a written plan for the care, preservation, trimming, planting, replanting, removal, or disposition of trees and shrubs in public areas. Such a plan will be presented to the City Council, and upon its acceptance and approval, shall constitute the official comprehensive tree plan for the City of Keosauqua, Iowa.

- b. The board shall review annually, and update if needed, the comprehensive tree plan.
 - c. The board, when requested by the City Council, shall consider, investigate, make findings, report, and recommend upon any special matter of question within the scope of its work.
4. The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

6-2-4 CITY SUPERINTENDENT. The Superintendent shall have the following powers and duties:

- 1. To direct, manage, supervise, and control the city street program to include all planting, removal, maintenance, and protection of all trees and shrubs on Public areas,
- 2. To guard all trees and shrubs within the city to prevent the spread of disease or pests, and to eliminate dangerous conditions that may affect the life, health, or safety of persons or property,
- 3. Such other powers and duties as are provided by the laws of Iowa, and by the Ordinances of the City.

6-2-5 AUTHORITY. The City Superintendent shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to ensure safety or preserve or enhance the aesthetics of such public sites. The City Superintendent shall have the authority to supervise or inspect all work done under a permit issued in accordance with the terms of this Ordinance. The City Superintendent shall have the authority to formulate and publish a master tree plan with the advice, hearing, and approval of the tree board.

6-2-6 PERMITS. No person shall plant, spray, fertilize, preserve, prune, remove, cut above or below ground, or otherwise disturb any tree on any municipal-owned property without first filing an application and procuring a permit from the City Tree Board. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by the Keosauqua Tree Board. No permit will be required to spray, fertilize, preserve, or prune private-owned trees.

The Superintendent shall have the authority to require posting of a bond adequate to fully repay the City of Keosauqua for any and all costs attendant to the completion of the work under the permit. In addition, the contractor is required to show adequate insurance coverage from potential damages during the excavation work.

6-2-7 MAINTENANCE. All trees planted shall have trunks no less than ½ inch in diameter at 6 inches above the ground. No tree shall be planted closer than 3 feet from the curb line, or outer line of the sidewalk. Tree lawns must be at least 6 feet in width for large tree plantings and at least 10 feet wide for medium and small trees. All trees shall be planted in line with each other and at a spacing of 40 to 60 feet depending on the species planted. No street trees shall be planted under or within 10 lateral feet at maturity size of any overhead utility wire, or over or within 5 lateral feet of any underground utility wire. No trees shall be planted within 20 lateral feet from street corners or street intersections.

All trees and shrubs on public or private property which have branches overhanging a public street or sidewalk, shall have said branches trimmed to a clearance height of 14 feet on the street side and 10 feet on the sidewalk side. No permit will be required for privately owned trees and shrubs.

All public trees designated for removal shall be completely removed from the growing site and disposed of in an authorized manner.

6-2-8 SPECIES, CULTIVATORS, AND VARIETIES. The tree board develops and maintains a list of desirable trees for planting along streets in three size classes: small, medium, and large. A list of tree species not suitable for planting as tree streets is hereby created and enforced by the Tree Board.

Desirable trees include:

Small Trees: Crab-apples (Persistent Type), Redbud Medium Trees: Linden, Pear, Crimson Maple

Large Trees: Pin Oak, Red Oak, White Oak, Sugar Maple, Red Maple, Hackberry, Pines, Spruce

Trees not recommended for Keosauqua, include:

Boxelder	Siberian Elm	Chinese Elm	Cottonwood	White Poplar	Lombardy Poplar
Willows	Tree of Heaven	European Mountain Ash	American Elm	Russian Olive	
Catalpa	Black Locust	Lolleana Poplar	Weeping Birch	Silver Maple	

6-2-9 OBSTRUCTION. It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property, there may be trees to prune such trees in a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct the vision of traffic signs, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be 10 feet over sidewalks and 14 feet over all streets. No permit will be required for this.

When a person, to whom an order is directed, shall fail to comply within the specified time, it shall be lawful for the city to prune such trees with the cost assessed to the owner as provided by law in special assessments.

6-2-10 NUISANCE AND CONDEMNATION. All street trees planted in violations of, or not maintained in strict compliance with the provisions of this Ordinance, or that are dead or dangerous, are declared to constitute a public nuisance. The City Superintendent shall cause written notice by certified mail, to be served on the property owner requiring such nuisances to be corrected within 30 days, or cost of correction will be assessed against the property owner.

6-2-11 PROTECTION OF TREES. During development, re-development, razing, or renovating, no more than 50% of the trees shall be cut, damaged, or removed except by specific permit. No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of 20 feet from any tree except by specific permit. This applies only to trees on tree lawns on city owned property.

No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising poster or other contrivance to any tree; allow any gaseous, liquid, chemical, or solid substance that is harmful to such trees, come in contact with them, or set fire or permit fire to burn when such fire or the heat will injure any portion of the tree.

Tree topping is not allowed on any publicly owned tree without the written consent, which may be by permit from the Keosauqua Tree Board.

6-2-12 APPEALS. Any person who receives an order from the Superintendent and objects to all or part thereof, may, within eight days of receipt thereof, notify the Keosauqua Tree Board and City Council in writing of the nature of the objection, and request a hearing thereon. The hearing shall be held at the next regularly scheduled City Council meeting. The City of Keosauqua shall notify the person objecting of the final decision.

6-12-13 INTERFERENCE. No person shall prevent, delay, or interfere with the City Superintendent or his assistants in the execution or enforcement of this Ordinance.

6-2-14 PENALTIES. Any person, firm, or corporation violating or failing to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum no less than \$1.00 and no more than \$100.00, or may be imprisoned for a term not exceeding 30 days.

6-2-15 SEVERABILITY CLAUSE. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES – WATER SYSTEM

6-3-1 Establishment	6-3-4 Condemnation
6-3-2 Procure Land and Right of Way	6-3-5 Set Hydrants
6-3-3 Procure Plans	6-3-6 Rules, Regulations, Conditions of Service
6-3-7 Private Wells	6-3-8 Water Main Extension Routes
	6-3-9 Subdivisions
	6-3-10 Unusual Conditions

- 6-3-1 ESTABLISHMENTS** On the 2nd day of March, 1896, A.D. a lawful election was held on a public measure for the establishment and erection of a system of water works in and for said City, and a statutory majority of the votes cast at said election were in favor thereof, and the City of Keosauqua was authorized to erect, construct, operate, and maintain a system of waterworks for the purpose of supplying said city with water for fire purposes and for such other purposes as may be necessary for the health and safety thereof, and for the health, safety, comfort and convenience of the inhabitants thereof.
- 6-3-2 PROCURE LAND AND RIGHT-OF-WAY.** To procure for said purpose by purchase, or condemnation, such real estate within, or without the corporate limits of said city, as may be necessary for the proper erection of a standpipe or tank thereof, and for the use of its machinery, power house and building, and other appliances that may be necessary for the proper erection, operation, and maintenance thereof, the right-of-way for water mains, streams, trenches, pipes and drains that are used in and are necessary in the construction, maintenance, and operation of the same; and for procuring and filtering a permanent supply of water thereof; and to locate and establish hydrants for fire purposes.
- 6-3-3 PROCURE PLANS.** That the Council of said City be, and is hereby authorized and empowered to procure plans and specifications, and establish estimates therefore, and to make all contracts necessary for the proper erection, construction, and maintenance thereof, and necessary and proper for procuring the necessary real estate and right-of-way for the use thereof, and necessary and proper to procure a permanent supply of water thereof; and to do all things needful for the purpose of establishing, erecting, operating, and maintaining said waterworks.
- 6-3-4 CONDEMINATION.** That in case the necessary real estate and right of way therefore cannot be procured for a reasonable compensation, the Council shall have power as provided by law to institute the necessary proceedings for condemnation thereof.
- 6-3-5 SET HYDRANTS.** That the said Council be and is hereby authorized to lay water mains and pipes in the streets and public grounds of said city and to excavate the streets and do all other things needful therefor and to locate, establish and maintain hydrants thereon for fire and other proper purposes.
- 6-3-6 RULES, REGULATIONS AND CONDITIONS OF SERVICE.** The following rules, regulations, and conditions of service of the City of Keosauqua, Iowa Municipal Waterworks Utility apply.
1. [Ord 93] Property owner, or agent, of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any alley, street, or right of way in which there is now located or may in the future be located a public water line, is hereby required to connect such

facilities directly with the public water service in accordance with this Ordinance. Property owner, or agent, hereinafter call customer must make written applications for water service at the City Clerk's office of the municipality, and said application including service received thereunder is un-assignable by the customer. A separate and independent water service shall be provided for every building. The customer shall provide a safe and suitable site for the placement of the customer's water meter.

Damage to meters or meter equipment: In the event that a meter becomes damaged due to accidents, vandalism, or cracked due to freezing temperatures, the customer shall pay all replacement costs.

Any customer in which the city determines that a continuous flow of water is a priority, will be required to install a lockable by-pass.

2. All taps and connections to the mains and service lines shall be made by and/or under the direction and supervision of waterworks personnel, and constructed in accordance with the provisions of this Ordinance.
3. [Ord 93] The municipality shall install and maintain, at its expense, that portion of the service from the main to the lot or easement line, including the necessary tap, fittings, corporation valve, curb valve, or meter pit, at the lot line, property line, or easement line, and the customer shall install and maintain, at the customers expense, that portion of the service from said lot line, property line, or easement line to his premises, including a curb shut-off valve at the end of the house side of customer's service on each side of the water meter. Acceptable material for the customer's service line from the lot or easement line to the inside shut-off valve will be k-copper, 480 PSI PVC, or 160 PSI Polyethylene. The minimum earth cover of the customer's service shall be five (5) feet. The municipality shall determine the size and kind of service to be installed.
4. An application may be canceled and/or water service discontinued by the municipality for any violation of any rule, regulation, or condition of service, and especially for any of the following reasons:
 - a. Misrepresentation in the application as to the property fixtures to be supplied or used to be made of water.
 - b. Failure to report to the municipality any addition to the property or fixtures to the supplies or additional use to be made of water.
 - c. Resale or giving away of water.
 - d. Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures of failure to keep same in suitable state of repair.
 - e. Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.
 - f. Connection, cross connection, or permitting same, of any separate water supply to premises which receive water from the same municipality.
 - g. Non-payment of bills.
5. Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the Keosauqua City Hall, otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality.
6. Notices relating to the conduct of the business of the municipality will periodically be mailed to the customers at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any notices. Nor will the customer be excused from nonpayment of a bill or from any performance required in said notices.
7. Where the water supply to a customer has been discontinued for non-payment of a delinquent bill(s), a charge of ten dollars (\$10.00) will be made for reconnection of water service.

8. The municipality reserves the right to request a nominal sum to be placed on deposit with the municipality for purpose of establishing or maintaining any customer's credit. Said deposit amount shall be periodically set by the City Council.
9. All meters shall be installed, maintained and renewed by and at the expense of the municipality, and the municipality reserves the right to determine the size and type of meter used.
10. Upon the written request of any customer, the meter serving said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter tests fast. If the meter tests accurate or slow the customer shall pay all expenses associated with testing the meter.
11. Where a meter has ceased to register; or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.
12. Water for building or construction purposes will be furnished by meter measurements, only after suitable deposit has been made, the minimum deposit being fifteen dollars (\$15.00) and the amount to be determined by the municipality depending upon the size of the construction work contemplated; and all water for building or construction purposes, as set forth in the permit, must pass through one and the same meter.

Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case, upon the ground or into or through a ditch or trench; and all use of water by other than applicant or use of water for any purpose, or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

13. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruptions occur, will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system, or the station equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.
14. The municipality shall, in no event, be held responsible for claim made against it by reason of the breaking of any mains, or service pipe by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages, nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary.
15. Customers having boilers, hot water heaters, and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steam-line to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.
16. The premises receiving a supply of water and all service lines, meter, and fixtures, within the said premises, shall at all reasonable hours, be subject to inspection by duly authorized employees of the municipality.
17. Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc.
18. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks appurtenances thereof without first obtaining a written permit.
19. [Ord 174] There shall be two (2) classes of permit applications; one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee will be based upon the size of service required as listed below:

¾" service	\$2500.00	2" service	\$4000.00
1" service	\$2750.00	4" service	\$4250.00

1 ½" service \$3500.00

The fee shall be paid to the municipality at the time the permit application is filed. Service lines and appurtenances shall be constructed in accordance with State Plumbing Code regulations.

20. If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, necessary repairs or replacement shall be paid by the customer to the municipality, and any liability otherwise resulting shall be that of the customer.
21. Water furnished by the municipality may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person.
22. Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.
23. The municipality will construct extensions to its water line to point within its service area, but the municipality shall not be required to make such installation unless the customer pays to the municipality the entire cost of the installation.

If refund of the advance is to be made, the following method shall apply: 20% of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed the total amount deposited.

No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title, or interest therein.

24. The municipality may refuse service to persons, not presently customers, when, in the opinion of the municipality the capacity of the facilities will not permit such service.
25. These rules may be changed or amended.
26. Complaints may be made to the operator of the system and may be appealed to the Council within ten (10) days.

6-3-7 Private Wells. No person shall construct a private well in the City of Keosauqua, Iowa, or own or use a well constructed after October 10, 2002, unless a permit has been issued for the Well by the City of Keosauqua. This permit shall be in addition to the permit required by the Van Buren County Health Department.

1. Any person who owns property in the City of Keosauqua which has a well, other than a monitoring well, which was constructed prior to October 10, 2002, shall register said well with the City of Keosauqua.
2. Any person desiring to dig a well within the City of Keosauqua shall apply to the City for a permit prior to applying to the Van Buren County Health Department for a permit.
3. Upon receipt of a permit request, the City Shall notify the Iowa Department of Natural Resources, Leaking Underground Storage Tank Section, requesting determination as to whether the proposed well is within an area of concern for documented site contamination from a leaking underground storage tank. If the proposed well site is found to be within such area of concern, the City shall not grant a permit.
4. If the proposed well site is not found to be within an area of concern, the Keosauqua City Council shall determine by Resolution, whether a permit application shall be forwarded to the Van Buren County Health Department for Approval.

5. In making the determination, the City Council shall not approve the permit request unless one or more of the following conditions are met:

- a. Existing well. The well or water system was in existence prior to the effective date of this provision, and has been duly permitted by the Van Buren County Health Department.
- b. Location. No part of the tract of ground on which a private well or water system is proposed is within 300 feet of a City water main.
- c. Undue Hardship. The property on which a private well or water system is proposed is geographically located so as to make connection to the City water main is physically or economically unfeasible. Such hardship cannot be caused or magnified by the property owner or applicant.

6-3-8 WATER MAIN EXTENSION ROUTES. [ORD. 121] All customers requesting a water main extension must furnish one print of the property or platted area in question to the City of Keosauqua. The customer must also furnish easements to the City of Keosauqua. The customer must also furnish easements to the City of Keosauqua or assist the City of Keosauqua in securing easement rights when it becomes necessary to cross private property with the water main.

All water main extensions will be constructed along existing improved public roads, streets, and alleys where a permanent grade is established or along a route selected by the City of Keosauqua. Water mains will normally be installed in the street right-of-ways. The length of any main extension shall be considered as the distance from the nearest existing water main and measured parallel to the customer's property to his farthest lot line. If the City of Keosauqua deems it necessary to cross from one side of the street to the other side, discounting intersections, this distance will not be considered.

6-3-9 SUBDIVISIONS. A developer of a subdivision will be required to construct a water main or mains of similar design as the distribution grid design used by the City of Keosauqua, including adequate valving, hydrant placement, and installation of water services and meter pits for future water service installation. Water mains will be required on all streets within the platted area. The developer's engineer is required to submit the necessary Iowa Department of Natural Resources permit application forms and construction plans for review by the Keosauqua City Council.

A developer of a subdivision, where a water main of adequate size is adjoining the subdivision, may tie into the water main with connection charges as determined by the City of Keosauqua.

6-3-10 UNUSUAL CONDITIONS. In all areas, the City of Keosauqua reserves the right to require an applicant to construct water main extensions of adequate size to meet applicant's requirements as determined by the City of Keosauqua. This policy would apply even in areas where a smaller size main had previously been installed.

6-3-11 WATER MAIN EXTENSION COSTS. An applicant requesting one or more water main extensions will be required to pay the full cost of said extensions, based on the applicant's requirements determined by the City of Keosauqua. The applicant's main size requirements will be determined on the basis of a combination of a usage and fire flow demands required for the area to be served; a 6-inch main size being the minimum. If it is deemed in the best interest of the City of Keosauqua to install a larger size main than the applicant's requirements, the City of Keosauqua will pay the difference in the estimated cost as determined by the City of Keosauqua.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES – REFUSE COLLECTION

6-4-1	Definitions	6-4-6	Necessity of Permits
6-4-2	Duty to Provide Wheeled Toters	6-4-7	Burning of Refuse
6-4-3	Administration	6-4-8	Refuse Other Than Garbage
6-4-4	Storage	6-4-9	Sanitary Landfill
6-4-5	Collections	6-4-10	Anti-Scavenging

6-4-1 DEFINITIONS. [ORD. 126] For use in this Chapter, the following terms are defined as follows:

1. "Refuse" includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.
2. "Garbage" includes all animal, fruit, vegetable, and other refuse resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.
3. "Rubbish" includes all other refuse not falling within the term "garbage" except those objects too large to be placed in a wheeled toter.
4. "Hazardous Wastes" waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.
5. "Wheeled toter" means a receptacle made of plastic or fiberglass with a capacity of sixty four (64) gallons provided by Waste Management of Iowa.
6. "Bags" include plastic sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by the top; securely tied at the top for collection, with a capacity not to exceed thirty-two (32) gallons and a loaded weight not to exceed forty (40) pounds.
7. "Containers" include reusable containers, receptacles made of plastic, metal, or fiberglass with a capacity not to exceed thirty-two (32) gallons, a loaded weight of no more than forty (40) pounds, a tight-fitting lid, and handles of adequate strength for lifting.
8. "Collection stickers" stickers supplied by City Hall to be applied to additional bags or containers exceeding the 64-gallon cart limit at a price set by City Hall.
9. "Bulk items" referred to but not limited to a large piece of furniture or waste material from a residential source other than construction/demolition debris or hazardous waste, with a weight or volume greater than that allowed for containers. Bulk items must be currently accepted at the landfill and be able to be handled by one person.
10. "Appliances" include, but are not limited to, refrigerators, freezers, kitchen ranges, air conditioning units, dehumidifiers, water heaters, furnaces, thermostats, clothes washers, clothes dryers, dishwashers, and microwave ovens. TV's are not accepted.

6-4-2 DUTY TO PROVIDE WHEELED TOTERS. Each person shall provide a wheeled toter for the storage of garbage and rubbish accumulating on the premises owned or occupied by such owner. Such wheeled toters shall be kept

reasonably clean at all times. They shall be placed within three (3) feet of curbside before 7:00 a.m. on the designated pick-up date, positioned readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper wheeled toters for each unit for garbage and rubbish.

6-4-3 ADMINISTRATION. Administration of this Chapter shall be by the Superintendent of Refuse, or such employee designated by the Superintendent. (Code of Iowa, Sec. 372.13(4))

6-4-4 STORAGE. All garbage must be placed in the wheeled toter. Additional residential solid waste will be collected each week provided the additional waste is placed in garbage bags or containers as defined in the definition section and has the appropriate extra collection tag affixed to each additional bag or container.

6-4-5 COLLECTIONS.

1. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require. Additional garbage and rubbish will be collected each week provided the additional waste is placed in garbage bags or containers as defined in the definition section and has the appropriate extra collection tag affixed to each additional bag or container to be collected. Each resident will be allowed a limit of two (2) Bulk Items per week to set at curbside. Collection of Bulk Items will occur on the same day as residential solid waste and recycling.
2. Residential recycling collection shall take place at least once a week on the same day as solid waste is collected. Residents wishing additional recycling containers may purchase them at City Hall for a nominal fee.
3. Household appliance pickup will be made available on a one time per month basis to residents. Appliances must be set out curbside for collection on the 1st Friday of each month. Residents will call City Hall to schedule the pickup at least 24 hours prior to the collection day. Special appliance stickers for an agreed upon fee may be purchased at City Hall prior to collection day and attached to appliances.

6-4-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's, unless otherwise by contract or permit, approved by the Superintendent of Refuse, and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this Chapter, is approved by the City and a permit issued by the Clerk.

6-4-7 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.
2. This Section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.
3. This Section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-8 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-9 SANITARY LANDFILL. The City Council, by Resolution, may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public, and make charge for the use thereof.

6-4-10 ANTI-SCAVENGING

It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES – BILLING CHARGES

6-5-1	Utility Defined	6-5-7	Customer Guarantee Deposits
6-5-2	Districts	6-5-8	Water Rates
6-5-3	Disposition of Fees and Charges	6-5-9	Refuse Collection Rates
6-5-4	Readings, Billing, Penalty	6-5-10	Rates of Sewer Rental/Manner of Payment
6-5-5	Discontinuing Services, Fees	6-5-11	Determination and Payment of Sewer Rent from Premises with Private Water Systems.
6-5-6	Residential Rental Property		

6-5-1 UTILITY DEFINED. For use in this Chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Keosauqua, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this Chapter shall be deposited in the City treasury not later than the last day of the month in which it was received, and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-5-4 READINGS, BILLING, PENALTIES. Meters will be read by City employees on the 20th of each month. The City will compute readings and charge for such. Utility bills will be issued on the last day of each month, and shall be payable by the twentieth (20th) day of the following month, at the office of the City Clerk. All bills not paid by the twentieth (20th) day shall be determined delinquent and the City will serve written notice by ordinary mail, of said delinquency to customer. If a delinquent bill is not then paid twelve (12) days following the customer's receipt of the written notice, the utility service to the customer may be discontinued without further notice.

(Code of Iowa, Sec. 384.84(1))

"6-5-4(a) Collection of utility bills provided for under this title and chapter, including water, sewer, storm water and refuse collection, shall afford, to each customer account to which a late fee or penalty is deemed applicable, a penalty forgiveness not more often than once in a twelve (12) month period"

6-5-5 DISCONTINUING SERVICES, FEES.

1. If any account is delinquent for more than twelve (12) days, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:
 - a. The City Clerk shall send a disconnect notice by ordinary mail to customers.
 - b. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$10.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same bill shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

(Code of Iowa, Sec. 384.84(2))

6-5-6 RESIDENTIAL RENTAL PROPERTY. [ORD. 109] Residential rental property where a charge for any of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the city utility by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the city utility that the property is a residential rental property and that the tenant is liable for the rates or charges. A city utility may require a deposit not exceeding the usual cost of ninety days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written notice to be given to the city utility within thirty business days of the change in tenant. When the tenant moves from the rental property, the city utility shall return the deposit if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be given to the city utility within thirty business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d) and (e))

6-5-7 CUSTOMER GUARANTEE DEPOSITS. [ORD. 109, 129] Customer deposits shall be required of all customers who are tenants, or others having no established credit record with the City of Keosauqua, and of those who have an unacceptable credit record, or who have a prior record of failure to pay water bills rendered. A water/sewer deposit shall be \$150.00. IF the customer is only charged for garbage fees and not water/sewer, the deposit amount is \$25.00. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service. (Code of Iowa, Sec. 384.84(1))

6-5-8 WATER RATES. [ORD. 109, 112, 120, 123, 166, 173, 180] Water shall be furnished at the following monthly rates per property services within the city limits. (Code of Iowa, Sec. 384.84(1))

The first 2,000 gal or less = \$30.10
 All usage over 2,000 gal = \$9.10 per 1,000 gallons
Flat Debt Fee = \$10.00 per property service

The minimum service charge shall be \$30.10 plus a \$10.00 Debt Fee per household or business building per billing month.

The monthly charge for residents or businesses connected to city water and located outside the corporate city limits of the City of Keosauqua, shall consist of one and one-quarter times ($1 \frac{1}{4} \times$) the regular rate charges, as stated in unnumbered paragraph 2 of this section. The minimum charge for $\frac{1}{4}$ for all customers outside the Corporate Limits shall be \$36.34 per month plus a \$10.00 debt fee per property service.

All usage over 2,000 gallons = \$11.47 per 1,000 gallons

6-5-9 REFUSE COLLECTION RATES. [ORD. 108, 117, 118, 124, 168, 178, 182] There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the residential solid waste, in the amount of \$25.00 per calendar month, or any part thereof. The service charge for each commercial establishment will be determined by the City Council on the basis of quantity and characteristics of material, point of pickup, and time required to collect the solid waste, if service is performed by the City.

Service charges shall be payable to the City and shall be due to the City on the first day of each calendar month, and shall be billed with, be due, payable, and collected with all city electric bills for establishments on the collection route. Collection service is automatically discontinued when electrical service is discontinued.

(Code of Iowa,

Sec. 384.84(1))

6-5-10 RATE OF SEWER RENT AND MANNER OF PAYMENT. The rate of sewer rent shall be based upon the amount and rate of water consumed, and is as follows:

The first 2,000 gallons or less = \$15.40 per month
 All over 2,000 gallons = \$3.20 per 1,000 gallons
Flat Debt Fee = \$10.00

A minimum service charge for sewer rental shall be \$15.40 per household or business building plus a \$10.00 Debt Fee per billing month.

The monthly charge for residents or businesses connected to City sewer, and located outside the corporate limits of the City of Keosauqua shall consist of one and one quarter times ($1 \frac{1}{4} \times$) the regular rate charge as stated in unnumbered paragraph 2 of this section. The minimum charge for sewer for all customers outside the Corporate Limits shall be \$19.25 per billing month plus a \$10.00 Debt Fee. All over 2,000 gallons shall be \$4.00 per 1,000 gallons. The rent shall be paid with the water bill at the same time as payment of the water bill is due, and under the same conditions as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made after the connection to the sewer system is made. (Code of Iowa, Sec. 384.84(1))

6-5-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used, and determined by the City Council, either by estimate agreed to by user or by metering the water system. The rates shall be the same as provided in Section 6-5-10 applied as if a City water bill were to be paid, except those customers who are not also customers of the municipal water system shall pay a minimum of \$13.25 per month. All other rates in 6-5-10 shall apply. (Code of Iowa, Sec. 384.84(1))

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

6-6-1	Excavation Permit Required	6-6-4	Back-filling and Restoration
6-6-2	Application for Permit	6-6-5	Rules and Regulations
6-6-3	Safety Measures		

- 6-6-1 EXCAVATION PERMIT REQUIRED.** Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing, or paving of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk. (Code of Iowa, Sec. 364.12(2))
- 6-6-2 APPLICATION FOR PERMIT.** [ORD. 104] No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of excavation, the name and address of the applicant who is to do the work, whether public liability insurance is enforced, and that the applicant has checked the underground map of all utilities and contacted Iowa One Call for utility locates, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavement, and to obstruct the public way. Such permits shall not be valid until six (6) hours after receipt unless the Clerk waives this requirement. All excavations and street cuts performed pursuant to written permit, shall be performed between the hours of 7:30 A.M. and 4:00 P.M., Monday through Friday, except in case of emergency as determined by the Superintendent or his designee.
- 6-6-3 SAFETY MEASURES.** Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights, and warning devices, such as traffic cones, flags, etc. Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Chief of Police or Law Enforcement Officer, the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with regarding all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.
- 6-6-4 BACK-FILLING AND RESTORATION.** Any person excavating in the streets shall be responsible for the back-filling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to back-fill or restore the pavement or surfacing properly within forty-eight (48) hours of the completion of the underground work, the City reserves the right to back-fill and resurface or install new paving and charge the cost thereof to the party excavating. If any back-filling or pavement, or surfacing restoration is not in accordance with the City specifications, the Superintendent of Public Works is authorized to remove such material as is necessary and to back-fill and restore the pavement or surfacing properly.
- 6-6-5 RULES AND REGULATIONS.** The City Council may, by resolution, establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 7 SIDEWALK REGULATIONS

6-7-1 Purpose	6-7-11 Failure to Obtain Permit: Remedies
6-7-2 Definitions	6-7-12 Inspection and Approval
6-7-3 Cleaning Snow, Ice, and Accumulations	6-7-13 Barricades and Warning Lights
6-7-4 Maintenance Responsibility	6-7-14 Interference with Sidewalk Improvements
6-7-5 Liability of Abutting Property Owner	6-7-15 Special Assessments for Construction/Repair
6-7-6 Ordering Sidewalk Improvements	6-7-16 Notice of Assessment for Repair or Cleaning
6-7-7 Repairing Defective Sidewalks	6-7-17 Hearing and Assessment
6-7-8 Notice of Inability to Repair or Barricade	6-7-18 Billing and Certifying to County
6-7-9 Standard Sidewalk Specifications	6-7-19 ADAAG Compliance
6-7-10 Permits for Construction or Removal	

6-7-1 PURPOSE. The purpose of this Chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct, or reconstruct sidewalks.

6-7-2 DEFINITIONS. As used in this Chapter, the following terms have these meanings:

1. **Defective Sidewalk.** Any public sidewalk exhibiting one or more of the following characteristics:
 - a. Vertical separations equal to $\frac{3}{4}$ inch or more.
 - b. Horizontal separations equal to $\frac{3}{4}$ inch or more.
 - c. Holes or depressions equal to $\frac{3}{4}$ inch or more, and at least 4 inches in diameter.
 - d. Spalling over 50% of the surface of a single square of the sidewalk, with one or more depressions equal to $\frac{1}{2}$ inch or more.
 - e. Spalling over less than 50% of a single square of the sidewalk with one or more depressions equal to $\frac{3}{4}$ inch or more.
 - f. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - g. A sidewalk with any part thereof missing to the full depth.
 - h. A change from design or construction grade equal to or greater than $\frac{3}{4}$ inch per foot.

2. **Sidewalk Improvements.** The construction, reconstruction, repairs, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
3. **Owner.** The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-7-3 CLEANING SNOW, ICE AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks, abutting the owner's property, clear of the natural accumulations of snow or ice. If the owner fails to do so within 24 hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs, and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Auditor for collection as provided in Section 364.12 of the Iowa Code. (Code of Iowa, Sec. 364.12(2b) and (2e))

6-7-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement, or reconstruction of all broken or defective sidewalks, to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way. (Code of Iowa, Sec. 364.12(2c))

6-7-5 LIABILITY OF ABUTTING OWNER. As provided in section 364.14m Code of Iowa, in the event the owner or property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance, and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in, or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence or/or their failure to repair the defect, or eliminate the condition complained of. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend.

A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or condition, or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment, together with all the expenses incurred by the City in the suit. (Code of Iowa, Sec. 364.14)

6-7-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks, upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the City Council within 15 days of receipt of the notice.

6-7-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner, at any time, or upon receipt of thirty (30) days' notice from the City to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days, as provided in the notice, the required work has not been done, or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa. (Code of Iowa, Sec. 364.12(e))

6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this Chapter.

6-7-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this Chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Superintendent of Public Works.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least 4 feet wide, or match existing sidewalks, and 4 inches thick, and each section shall be no more than 4 feet in length. In the central business district, sidewalks shall extend from the property line to the curb, unless the Council shall establish a different distance due to the circumstances. Each section shall be 4 inches thick and no more than 6 feet in length and width. All driveway areas shall not be less than 6 inches in thickness.
6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.
7. All elevations of sidewalks are to be established by the City Council with assistance from the Superintendent of Public Works on a case-by-case basis.
8. All sidewalks shall slope at least $\frac{1}{4}$ inch per foot toward the curb, but in no event more than $\frac{1}{2}$ inch per foot toward the curb.
9. All sidewalks shall have a steel trowel finish followed by a "broom" or "wood float" finish.
10. Ramps for the handicapped. There shall not be less than two (2) curb cuts or ramps per lineal block, which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least 30 inches wide, shall be sloped at not greater than 1 inch of rise per 12 inches lineal distance, except that a slope no greater than 1 inch per 8 inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the cross-walk for physically handicapped persons using the sidewalk. (Code of Iowa, Sec. 216C.9)
11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Superintendent of Public Works, and in accordance with the standard sidewalk specifications set forth in this Chapter.

6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements without first obtaining a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City, and with the specifications for sidewalks, as adopted by the City. The permit shall also state that the work will be done under the direction and approval of the City Superintendent of Public Works. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to commence, and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with the Chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements, or when weather conditions will adversely affect the sidewalk improvements.

6-7-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions and specifications of this Chapter, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner, and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within 5 days from

receipt of the permit. If the owner fails to comply with the notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this Chapter.

- 6-7-12 INSPECTION AND APPROVAL.** Upon final completion, the Superintendent of Public Works shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this Chapter, the specifications, and the permit, the Superintendent of Public Works shall indicate this on both copies of the permit.
- 6-7-13 BARRICADES AND WARNING LIGHTS.** Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.
- 6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is in the process of being improved, or upon any portion of any completed sidewalk or approach thereto; or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice or warning device provided by this Chapter. Removal or destruction of sidewalk, sidewalk parts, or approaches, within the meaning of this Ordinance shall constitute a simple misdemeanor, as well as, a civil infraction; the removal or destruction prohibited may be remedied both by fines(s) and by alternative remedies available for civil infraction, including assessment for real estate taxation, and including civil judgment for cost of remedy.
- 6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR.** The City Council may assess the cost of initial construction, improvements and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa. (Code of Iowa, Sec. 384.38)
- 6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS.** When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this Chapter. The City Clerk shall send a notice of such facts to the owner of the abutting property owner. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which council will hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice. (Code of Iowa, Sec. 384.50)
- 6-7-17 HEARING AND ASSESSMENT.** At the time and place designated in the notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property. (Code of Iowa, Sec. 384.51)
- 6-7-18 BILLING AND CERTIFYING TO COUNTY.** Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100.00 may be paid in installments as set by Council, not exceeding ten payments, in the same manner and at the same interest rate as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts. (Code of Iowa, Sec. 384.60)
- 6-7-19 ADAAG COMPLIANCE.** All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 8 NUMBER OF BUILDINGS

6-8-1	Buildings to be Numbered	6-8-4	Type of Numbers and Size
6-8-2	Numbering System	6-8-5	Enforcement
6-8-3	Mandatory Numbering		

- 6-8-1 BUILDINGS TO BE NUMBERED.** All buildings, now or hereafter erected within the City limits, shall be assigned numbers, and the owners notified of the assigned number. The owners shall cause the numbers to be placed and maintained on their property.
- 6-8-2 NUMBERING SYSTEM.** Numbers shall be assigned in accordance with the system developed by the City Council. The system consists of three-digit numbering. The even numbers shall be on the West and North Sides of all streets, and the odd numbers shall be on the East and south sides of all streets.
- 6-8-3 MANDATORY NUMBERING.** The placing of numbers is mandatory.
- 6-8-4 TYPE OF NUMBERS AND SIZE.** The numbers shall be conspicuously displayed on the portion of the building or premise which faces the street. All numbers shall be of durable substance, clearly legible, and the numerals shall be not less than three (3) inches in height.
- 6-8-5 ENFORCEMENT.** If numbers meeting the requirements of this Ordinance have not been placed on each building, the City shall cause individual notice to be given to the owner of buildings not numbered, requiring compliance within a reasonable time set in the notice, and if not completed by such time, the City shall cause proper numbers to be installed and the reasonable cost of the installation billed to such owner.

TITLE VI - PHYSICAL ENVIRONMENT

CHAPTER 9 HAZARDOUS MATERIALS

6-9-1 Purpose	6-9-3 Clean up Required
6-9-2 Definitions	6-9-4 Notifications

6-9-1 PURPOSE. In order to reduce the danger to public health, safety and welfare from the spills of hazardous substances, these regulations are promulgated to establish responsibility for the removal and cleanup of spills within the City limits.

6-9-2 DEFINITIONS. For the purpose of this Chapter, these words have the following meanings:

1. "Hazardous Waste" means those wastes which are included by the definition in section 455B.411, subsection 3, paragraph a, Code of Iowa, and the rules of the Iowa Department of Natural Resources.
2. "Hazardous Substance" means any substance as defined in section 455B.381 subsection 1, Code of Iowa.
3. "Hazardous Condition" means the same as set out in section 455B.381, subsection 2, Code of Iowa.
4. "Person Having Control Over a Hazardous Substance" means the same as set out in section 455B.381, subsection 8, Code of Iowa.
5. "Clean Up" means the same as set out in section 455B.381, subsection 6, Code of Iowa.
6. "Treatment" means a method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of a hazardous substance, so as to neutralize it or to render the substance non-hazardous, safe for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it non-hazardous.

6-9-3 CLEAN UP REQUIRED. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking, or placing of a hazardous waste or substance, so that the hazardous substance or waste or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air, or discharged into any waters, including ground water; the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible, to an acceptable and safe condition.

The costs of the clean up shall be borne by the person having control over the hazardous substance. If the person having control over a hazardous substance does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure cleanup services and bill the responsible person. If the bill for those services is not paid within thirty (30) days, the city attorney shall proceed to obtain payment by all legal means. If the cost of the cleanup is beyond the capacity of the City to finance it, the authorized officer shall report to the council and immediately seek any state or federal funds available for said cleanup.

6-9-4 NOTIFICATIONS. The first city officer or employee who arrives at the scene of an incident involving hazardous substances, in not a peace officer, shall notify the police department, which shall notify the proper state office in the manner established by the State.

TITLE VI – PHYSICAL ENVIRONMENT

CHAPTER 10 DRIVEWAYS

6-10-1 Definitions	6-10-6 Contents of Notice
6-10-2 Requirements	6-10-7 Request for Hearing
6-10-3 New Driveways	6-10-8 Collection of Abatements
6-10-4 Maintenance of Existing Drive Approaches	6-10-9 Installment Payment of Cost of Abatement
6-10-5 Notice to Abate Condition	6-10-10 Severability
6-10-6 Contents of Notice	

AN ORDINANCE PROVIDING FOR THE INSTALLATION AND MAINTENANCE OF DRIVEWAYS IN KEOSAUQUA, IOWA.

PURPOSE. The purpose of this Ordinance is to provide for the installation of new driveway approaches, and the maintenance of existing driveway approaches within the City Limits of Keosauqua, Iowa.

6-10-1. Definitions. For the use of this Ordinance, the following terms are defined:

1. FLUME. A concrete channel for water drainage.
2. TUBE. A pipe made for the purpose of water drainage, and having a minimum length of 26 feet.
3. FILL. A drive approach that is level with the street with no drainage running across it.
4. DRAINAGE. The area for run-off of water to drain in or across.
5. DRIVEWAY. A private road or private access to private property.
6. APPROACH: An access to private property from any traveled portions of any public street, roadway, or alley.

6-10-2. Requirements. Driveways are required for all residential dwellings.

6-10-3. New Driveways. The City of Keosauqua will provide a maximum of \$150.00 toward the development of a new driveway approach to a property where no prior driveway existed. The City will provide for one (1) driveway approach per property.

1. Regulations. The following regulations apply to new driveways:

- a. The City of Keosauqua will determine what type of driveway will be provided for a property – a flume, fill, or tube.
- b. The decision by the City to install a tube, flume, or fill, will be based on the drainage for a particular parcel of property.
- c. All driveways will be a minimum of 24 feet in width.
- d. The City will install the driveway approach and keep track of all associated costs. The property owner will be responsible for all costs exceeding \$150.00.
- e. When constructing driveways where there is existing curbing, the curbing will not be removed. The back of the curbing will be cut off at an angle. The back side will be one inch (1") higher than the flow line of the curbing. On both sides of the driveway where the curbing is cut, these areas will be smoothed back with a concrete saw so there are no edges of the curbing protruding above the driveway.

6-10-4. Maintenance of Existing Driveway Approaches. The following is required for maintenance of existing driveway approaches.

1. The abutting property owner is required to maintain all property outside the lot and property lines, and inside the curb lines upon public streets, including driveways. (Code of Iowa, Sec. 364.12(2)(c))
2. The City of Keosauqua will maintain to the outer edge of the street surface only.
3. Defective Driveway approaches. When a property owner has a drive tube in such poor condition that it does not allow drainage through it, due to being cracked or deteriorated with holes; the City will notify, by mail, the property owner of the needed repairs as authorized in 11-6-5.
4. If the abutting property owner does not perform an action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as property tax.
5. City Maintenance. The City will be responsible for the maintenance of drainage ditches. Should a drive tube become plugged due to lack of maintenance of drainage ditches by the City, the City will pay all costs for cleaning and/or repairing drive tube.
6. The City may cause, without prior determination and notice, the repair or replacement of public improvements including, but not limited to, sidewalks, and driveway approaches if the property owner does all of the following:
 - a. Requests the repair and replacement of the public improvements, specified in this subsection, abutting the property owner's property located outside the lot and property lines and inside the curb lines.
 - b. Waives the requirement of a prior finding by the City Council that the condition of the public improvements constitutes a nuisance and the requirement of prior notice.
 - c. Consents to the repair of the public improvements and the assessment of the cost of the repair to the abutting property owner. (Code of Iowa, Sec. 364.12(5))
7. If, in repairing and replacing improvements in the area between the lot or property lines and the curb lines pursuant to subsection 6, it becomes necessary for the city to repair or replace adjacent improvements in the area, the cost of repairing or replacing the adjacent public improvements may be assessed, with consent of the property owner, against the property which the public improvements abut. (Code of Iowa Sec. 364.12(6))
8. A city may accumulate individual assessments for the repair and replacement of sidewalks, driveway approaches, or similar improvements, or for the abatement of nuisances, and may periodically certify the assessments to the county treasurer under one or more assessment schedules. (Code of Iowa Sec. 364.12(7))

6-10-5 Notice to Abate Condition. Whenever the Mayor or City Superintendent determines that a driveway approach is defective, he/she shall cause to be served upon the property owner by certified mail, a written notice on the conditions that constitute a nuisance. (Code of Iowa, Sec. 364.12(3)(c))

6-10-6 Contents of Notice. The notice shall contain the following:

1. Description of condition to abate.
2. Location of condition.
3. Statement of act needed to be done to abate the nuisance.
4. Indicate time frame in which the condition must be abated.
5. Statement indicating property owner's right to a hearing.
6. Statement declaring City's right to assess costs against property.

(Code of Iowa, Sec. 364.12(3)(h))

6-10-7 Request For Hearing. Any person requested to pay to abate a driveway approach condition may request a hearing with the City Council. A request for a hearing must be made in writing, and delivered to City Hall within the time stated in the notice, as required in 11-6-6. If no request is received in writing, and the property owner does not abate the condition as directed in notice, it will be presumed that a prohibited condition exists and the City will proceed to abate.

- 6-10-8 Collection of Abatement.** The clerk shall mail a statement of the total expenses incurred to the property owner whose driveway approach was repaired. If the amount shown by the statement has not been paid within one month, the City Clerk shall certify the costs to the County Auditor, and they shall then be collected with, and in the same manner as general property taxes. (Code of Iowa, Sec. 364.12(3)(h))
- 6-10--9 Installment Payment of Cost of Abatement.** If the amount expended to repair the driveway approach exceeds \$100.00, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the manner, and at the same rate of interest charged, as delinquent real estate taxes, by the County Treasurer. (Code of Iowa, Sec. 364.13)
- 6-10-10 Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 1 FLOOD PLAIN REGULATION

7-1-1	Statutory Authorization	7-1-8	General Flood Plain (Overlay) District (FP)
7-1-2	Findings of Fact	7-1-9	Administration
7-1-3	Statement of Purpose	7-1-10	Nonconforming Uses
7-1-4	General Provisions	7-1-11	Penalties for Violation
7-1-5	Establishment of Zoning Districts	7-1-12	Amendments
7-1-6	Floodway (Overlay) District (FW)	7-1-13	Definitions
7-1-7	Floodway Fringe (Overlay) District (FF)		

7-1-1 STATUTORY AUTHORIZATION. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

7-1-2 FINDINGS OF FACT.

1. The flood hazard areas of Keosauqua are subject to periodic inundation, which can result in loss of life and property and health; and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the health, safety, and general welfare of the community.

2. These losses, hazards and related adverse effects are caused by (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood and (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.

3. This ordinance relies upon engineering methodology for analyzing flood hazards, which is consistent with the standards established by the Department of Natural Resources.

7-1-3 STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing flood losses, with provisions designed to:

1. Reserve sufficient flood plain area for conveyance of flood flows so that flood heights and velocities will not be increased substantially.

2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

3. Require that uses vulnerable to floods, including public utilities, which serve such uses, be protected against flood damage at the time of initial construction.

4. Protect individuals from buying lands, which are unsuited for intended purposes because of flood hazard.

5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

7-1-4 GENERAL PROVISIONS.

1. LANDS TO WHICH ORDINANCE APPLIES – This ordinance shall apply to all lands shown on the Flood Boundary and Floodway Map to be within the 100-year flood boundaries.

2. ESTABLISHMENT OF OFFICIAL FLOOD PLAIN ZONING MAP – The Flood Insurance Rate Maps for Van Buren County and Incorporated Areas, City of Keosauqua, panels 19177C0301D and 0302D, dated June 16, 2015, which were

prepared as part of the Flood Insurance Study for Van Buren County, which is adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Van Buren County Flood Insurance Study are also declared to be a part of this ordinance.

3. **RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES** – The boundaries of the zoning district shall be determined by scaling distances on the Official Flood Plain Zoning Map. Where interpretation is needed as the exact location of the boundaries of the district as shown on the Official Zoning Map the council shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence.

4. **COMPLIANCE** – No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations, which apply to uses within the jurisdiction of this ordinance.

5. **ABROGATION AND GREATER RESTRICTIONS** – It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

6. **INTERPRETATION** – In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other power granted by State statutes.

7. **WARNING AND DISCLAIMER OF LIABILITY** – The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Keosauqua or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

8. **SEVERABILITY** – If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

7-1-5 ESTABLISHMENT OF ZONING DISTRICTS.

1. **ZONING DISTRICTS** — The flood plain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

A. **Floodway (Overlay) District** — The Floodway District shall be consistent with the Official Flood Plain Zoning Map.

B. **Floodway Fringe (Overlay) District** — The Floodway Fringe District shall be those areas shown as floodway fringe on the Official Flood Plain Zoning Map.

C. **General Flood Plain (Overlay) District** — The General Flood Plain District shall be those areas shown on the Official Flood Plain Zoning Map as being within the approximate 100-year boundary.

7-1-6 FLOODWAY (OVERLAY) DISTRICT (FW).

1. **PERMITTED USES** — The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or under laying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction or the storage of materials or equipment, excavation, or alteration of a watercourse.

A. **Agricultural uses** such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

B. **Industrial-commercial uses** such as loading areas, parking areas, airport land strips.

C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

D. Residential uses such as lawns, gardens, parking areas and play areas.

E. Such other open-space uses similar in nature to the above uses.

2. **CONDITIONAL USES** -The following uses, which involve structures (temporary or permanent), fill, and storage of materials or equipment, may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in Chapter 619 (C). Such uses must also meet applicable provisions of the Floodway District Performance Standards.

A. Uses or structures accessory to open-space uses.

B. Circuses, carnivals, and similar transient amusement enterprises.

C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.

D. Extraction of sands, gravel, and other materials.

E. Marinas, boat rentals, docks, piers, and wharves.

F. Utility transmission lines and underground pipelines.

G. Other uses similar in nature to uses described in Chapter 6.15 A or B which are consistent with the provisions of Chapter 6.15 C, and the general spirit and purpose of this ordinance.

3. **PERFORMANCE STANDARDS** -All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:

A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

B. All uses within the Floodway District shall:

1. Be consistent with the need to minimize flood damage.
2. Use construction methods and practices that will minimize flood damage.
3. Use construction materials and utility equipment that is resistant to flood damage.

C. No use shall affect the capacity or conveyance of the channel or flood-way or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that is buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other materials may be allowed if readily removable from the Floodway District within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary. Fill is subject to prohibitions, qualifications and restrictions of 44CFR 60.3(d) (3).

I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

7-1-7 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF).

1. PERMITTED USES — All uses within the Floodway Fringe district shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. PERFORMANCE STANDARDS — All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.

A. All structures shall (i) be adequately anchored to prevent flotation, collapse or lateral movement of the structure, (ii) be constructed with materials and utility equipment resistant to flood damage, and (iii) be constructed by methods and practices that minimize flood damage.

B. Residential buildings — All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than (1) foot above the 100 year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Council and issuance of a Conditional Use Permit, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstanding the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

C. Non-residential buildings — all new and substantially improved non-residential buildings shall have the first floor (including basement) elevated minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa, shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight and walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum) to which any structures and flood proofed shall be maintained by the Zoning Administrator.

D. All new and substantially improved structures: a. fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer, meet, or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed are subject to flooding shall be provided, (2) The bottom of all openings shall be no higher than one foot above grade, (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters. Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. d. Such areas shall be used solely for parking of vehicles, buildings access and low damage potential storage.

E. Factory-built homes: a. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. b. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

F. Utility and Sanitary Systems. a. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood level elevation. b. On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding. c. New or replacement water supply systems shall be designed to

minimize or eliminate infiltration of floodwaters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or, (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters, or (ii) be readily removable from the area within the time available after flood warning.

H. Flood control structural works such as levees, floodwalls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior damage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

I. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.

J. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

K. The exemption of detached garages, sheds, and similar structures from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents, however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements when: a. The structure shall not be used for human habitation. b. The structure shall be designed to have low flood damage potential. c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters. d. Structures shall be firmly anchored to prevent flotation, which may result in damage to other structures. e. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one (1) foot above the 100-year flood level.

L. Recreational Vehicles

A. Recreational vehicles are exempt from the requirements of SECTION 7-1-7 (2) (E) of this ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of SECTION 7-1-7 (2) (E) of this ordinance regarding anchoring and elevation of factory-built homes.

M. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

7-1-8 GENERAL FLOOD PLAN (OVERLAY) DISTRICT (FP).

1. PERMITTED USES - The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction; the storage of materials or equipment; excavation; or alteration of a watercourse.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, v viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.

C. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

D. Residential uses such as lawns, gardens, parking areas and play areas.

2. **CONDITIONAL USES** - Any uses, which involves placement of structures, factory built homes, fill or other obstructions; the storage of materials or equipment; excavation; or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the council as provided for in Chapter 6:17 C. All such uses shall be reviewed by the Department of Natural Resources to be determined (i) whether the land involved in either wholly or partly within the floodway or floodway fringe and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. PERFORMANCE STANDARDS —

A. All conditional uses or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Chapter 6.15).

B. All conditional uses or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe (Overlay) District (Chapter 6.16).

7-1-9 ADMINISTRATION.

1. APPOINTMENT, DUTIES AND RESPONSIBILITIES OF ZONING ADMINISTRATOR.

A. A Zoning Administrator designated by the City Council shall administer and enforce this ordinance and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but necessarily be limited to the following: a.) review all flood plain development permit applications to insure that the provisions of the ordinance will be satisfied; b.) review all flood plain development permit applications to insure the necessary permits have been obtained from federal, state or local governmental agencies; c.) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum) of the location of all new or substantially improved building or (ii) the elevation to which new or substantially improved structures have been flood proofed; d.) Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of notifications to the Federal Insurance Administrator; e.) Keep a record of all permits, appeals, variances, and such other transactions and correspondence pertaining to the administration of this ordinance; provide the Federal Insurance Administrator an annual report concerning the community's participation on the annual report form supplied by the Federal Insurance Administration of any annexations or additions to the community's boundaries; h.) Review subdivision proposal to insure such proposals are concurrent to the purpose of this ordinance and advise the City Council of potential conflicts.

2. FLOOD PLAIN DEVELOPMENT PERMIT

A. **Permit Required** — A flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

B. **Application for Permit** - Application for a Flood Plain Development Permit shall be made on forms supplied by the administrator and shall include the following information.

1. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Identification of the use or occupancy for which the proposed work is needed.
4. Elevation of the 100-year flood.
5. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of building or of the level to which a building is to be flood proofed.

6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

7. Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.

C. Action for Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this ordinance and shall approve or disapprove the application. For disapproval's, the applicant shall be informed in writing, of the specific reasons therefore, the Administrator shall not issue permits for Conditional Uses or Variances except as directed by the Board of Adjustment.

D. Construction and Use to be as provided in Application and Plans - Flood Plain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and shall be punishable as provided in Chapter 6.21. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this ordinance, prior to the use or occupancy of any structure.

3. CONDITIONAL USES, APPEALS, AND VARIANCES

A. Duties of the City Council - The City Council shall hear and decide (i) applications for Conditional Uses upon which the council is authorized to pass under this ordinance; (ii) Appeals, and (iii) requests for Variances to the provisions of this ordinance; and shall take any other action, which is required of the Council.

B. Conditional Uses - Requests for Conditional Uses shall be submitted to the Administrator, who shall forward such to the City Council for consideration. Such requests shall include information ordinarily submitted with applications, as well as any additional information deemed necessary to the City Council.

C. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrator or the City Council, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustments and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustments all the papers constituting the record upon which the action appealed from was taken.

D. Variances - The City Council may authorize upon request in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. No variance shall be granted for any development within the Floodway District, which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances, or cause fraud on or victimization of the public.
3. Variance shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
4. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this ordinance, the applicant shall be notified in writing over the signature of the Zoning Administrator that (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 or \$100.00 of insurance coverage and (ii) such construction increases risks to life and property.
5. All variances granted shall have the concurrence of approval of the Department of Natural Resources.
6. No variance shall be granted which is determined to be inconsistent with updated compliance requirements of 44 CFR 60.3(d).

4. HEARINGS AND DECISIONS OF THE CITY COUNCIL.

A. Hearings. Upon filing with the City Council of an appeal, an application for a Conditional Use or a request for a Variance, the Council shall hold a public hearing. The Council shall fix a reasonable time for the hearing and give public

notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Council may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Council shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an appeal, the Council may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the Council shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in Chapter 6.19 C.5.b(2).

Factors upon Which the Decision of the Board shall be based. In passing upon applications for Conditional Uses or requests for Variances, the Board shall consider all relevant factors specified in other sections of this ordinance and: (a) The danger to life and property due to increased flood heights or velocities caused by encroachments. (b) The danger that materials may be swept on to other lands or downstream to the injury of others. (c) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions. (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. (e) The importance of the services provided by the proposed facility to the community. (f) The requirements of the facility for a flood plain location. (g) The availability of alternative locations not subject to flooding for the proposed use. (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future. (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area. (j) The safety of access to the property in times of flood for ordinary and emergency vehicles. (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(1) Such other factors, which are relevant to the purpose of this ordinance.

(2) Conditions attached to Conditional Uses or Variances -Upon consideration of the factors listed above, the Board may attach such conditions to the granting of Conditional Uses or Variances as it deems necessary to further the purpose or this ordinance. Such conditions may include, but not necessarily be limited to: (a) Modification of waste disposal and water supply facilities. (b) Limitation on periods of use and operation. (c) Imposition of operational controls, sureties, and deed restrictions. (d) Requirement for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the Department of Natural resources and are deemed the only practical alternative to achieving the purposes of this ordinance. (e) Flood proofing measures. Flood Proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

C. Appeals to the Court - Any person or person, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

7-1-10 NONCONFORMING USES — A structure or the use of a structure on land, which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

1. No structural alteration, addition, or repair to any nonconforming structure over the life of the structure shall 50 percent of its value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.
2. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this ordinance. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses, which have been discontinued for six months.
3. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50 percent or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
4. Uses or adjuncts thereof, which are or become nuisances shall not be entitled to continue as nonconforming uses.

5. Except as provided in Chapter 6.20 D any use, which has been permitted as a Conditional Use or Variance shall be considered a conforming use.

7-1-11 PENALTIES FOR VIOLATION. Violations of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Keosauqua from taking such other lawful action as is necessary to prevent or remedy any violation.

7-1-12 AMENDMENTS. The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed as provided in Sections 414.4, 414.5, and 414.21, Code of Iowa, 2011 as amended. No amendment, supplement, change, or modification to this ordinance shall be undertaken without prior approval from the Department of Natural Resources.

7-1-13 DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

BASEMENT — Any enclosed area of a building which has its floor or lowest level below ground level (sub grade) on all sides. Also, see "lowest floor."

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing and similar practices that do not involve filling and/or grading.

EXISTING CONSTRUCTION - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOME — Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

FACTORY-BUILT HOME PARK — A parcel or contiguous parcels of land divided into two or more factory- built home lots for rent or sale.

FLOOD — A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

FLOOD ELEVATION — The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

FLOOD INSURANCE MAP — The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the city with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

FLOOD PLAIN - Any land area susceptible to being inundated by water as a result of a flood.

FLOOD PLAIN MANAGEMENT - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.

FLOOD PROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

FLOODWAY - The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

FLOODWAY FRINGE - Those portions of the flood plain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR - The floor of the lowest enclosed area in a building, including a basement except when all the following criteria are met;

- a) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Chapter 6.16 B4.a and
- b) The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- d) The enclosed area is not a "basement" as defined in this chapter. In cases where the lowest enclosed area satisfies criteria a, b, c and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

MINOR PROJECTS - Small development activities (except for filling, grading and excavating) valued at less than \$500.00.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first floodplain management regulations adopted by the community.

ONE HUNDRED (100) YEAR FLOOD A flood, the magnitude of which as a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

RECREATIONAL VEHICLE - A vehicle which is:

- a) Built on a single chassis;
- b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c) Basement sealing;
- d) Repairing or replacing damaged or broken window panes;
- e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

SPECIAL FLOOD HAZARD AREA - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.

START OF CONSTRUCTION - Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, building, factories, sheds, cabins, factory built homes, storage tanks, and other similar uses.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any improvement to a structure which satisfies either of the following criteria:

- a) Any repair reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications when are solely necessary to assure safe conditions for the existing use.
- b) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after December 24, 1987 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

VARIANCE - A grant of relief by a community from the terms of the floodplain management regulations.

VIOLATION - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Passed by the City Council of Keosauqua, Iowa this 14th day of April 2015 and approved this 14th day of April 2015.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 2 ELECTRICAL FRANCHISE

7-2-1 Electrical Service	7-2-6 City Harmless
7-2-2 Capacity	7-2-7 Reasonable Rates
7-2-3 Distribution	7-2-8 Successors
7-2-4 Replacement	7-2-9 Elections
7-2-5 Tariff	7-2-10 Management

- 7-2-1 ELECTRICAL SERVICE.** On the 28th day of November, 1947 AD, there was submitted to the voters of the City of Keosauqua, Iowa, a proposal to establish, erect, maintain, and operate a Municipal Electric Light & Power Plant and System, in and for the City of Keosauqua. Therefore, the Municipal Electric Light & Power Plant and System was established with all of the rights, powers, privileges and duties that are granted by the laws of the State of Iowa, with regard and reference to Municipal Electric Light & Power Plant s and Systems.
- 7-2-2 CAPACITY.** The Grantee shall maintain within said City a modern electric service with sufficient capacity to meet the reasonable requirements of its patrons, and shall supply same in such a manner as to render efficient service, unless prevented by an Act of God, a public enemy, a governmental authority, or by a cause not under the control of the Grantee; and in such event, the Grantee may adopt reasonable rules and regulations governing the volume of electricity which it shall be required to furnish its patrons or any class of patrons.
- 7-2-3 DISTRIBUTION.** The systems for the distribution of electricity shall be constructed, maintained, and operated by the Grantee in such a manner as not to endanger persons or property, and so as not to interfere unreasonably with any improvements the City may deem proper to make, or to hinder unnecessarily or obstruct the free use of the streets, avenues, alleys, bridges, or other public places and so as not to interfere with the sewers, drainage, or water systems of the City.
- 7-2-4 REPLACEMENT.** Whenever the Grantee, in erecting, constructing, or maintaining said distribution systems, shall take up or disturb any pavement or sidewalk, or make any excavations in the streets, avenues, alleys, bridges, or public places of said city, such excavations shall be refilled at once, and the pavement, sidewalk, or other improvements replaced to the satisfaction of the City officials, and in case of its failure to do so as promptly as practicable, the City may do so at the expense of the Grantee.
- 7-2-5 TARIFF.** The Grantee shall extend its lines as provided by its most current electric tariff, and applicable rules promulgated by the governing regulatory body, for customers in all cases where bona fide customers apply in writing to be supplied with electricity.
- 7-2-6 CITY HARMLESS.** The Grantee shall hold the said city harmless from any and all causes of action, litigation, or damages which may arise through or by reason of the construction, reconstruction, maintenance, and operation of said systems for the distribution of electricity and other construction hereby authorized.
- 7-2-7 REASONABLE RATES.** Said Grantee shall have the right to supply, distribute, and sell electricity for any and all purposes to said city, and to the inhabitants thereof, and to charge therefore, such just and reasonable rates as hereinafter may be fixed, and determined by the rate making body established under the laws of the State of Iowa, and given jurisdiction thereof.
- 7-2-8 SUCCESSORS.** All of the provisions of this Ordinance shall apply to the successors or assigns of the Grantee with the same force and effect as they do to the Grantee itself.

7-2-9 ELECTIONS. The Grantee shall, within sixty (60) days after the publication of this Ordinance, signify in writing an acceptance of the grant herein, including the conditions and restrictions herein expressed, and this Ordinance, and the franchise granted herein, shall not be operative or binding until such acceptance is filed with the City Clerk. The Grantee shall pay the costs incurred in holding the election to submit this Ordinance to the legal electors for their approval as provided by law.

7-2-10 MANAGEMENT. On the 2nd day of January, 1948, AD, under the provisions of the law as set forth in Section 397.29, et seq., of the Code of Iowa, 1946, an election was held at which 37 votes were cast in favor of placing the management and control of the Keosauqua Municipal Light & Power Plant and System in the hands of a Board of Trustees, and only 2 votes were cast against such proposition.

It was then established:

1. That the management and control of the Keosauqua Municipal Light & Power Plant and System be, and the same is hereby, placed in the hands of a Board of 3 trustees, to be appointed by the Mayor and confirmed by the City Council, all as provided by the laws of the State of Iowa.
2. That such appointments be made in the manner and for the terms directed by the laws of the State of Iowa.
3. That the Board of Trustees of the Keosauqua Municipal Light & Power Plant and System may, by Resolutions, from time to time, establish such lower rates than the maximum above set forth in Section 1 hereof, as will be sufficient to pay the operating and maintenance expenses of said plant and system, and pay all necessary principal and interest on bonds which may be outstanding at any time.
4. That such Board of Trustees shall have all of the power, privileges, rights, and duties as provided by the laws of the State of Iowa, as now enacted or hereafter provided.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 3 NATURAL GAS FRANCHISE

7-3-1	Franchise Granted	7-3-7	Franchise Fee
7-3-2	Placement of Mains and Pipes	7-3-8	Term
7-3-3	Excavation	7-3-9	Severability
7-3-4	Locate and Relocate	7-3-10	Expense
7-3-5	City Abandon Vacating Street	7-3-11	Acceptance of Grant
7-3-6	Successors		

7-3-1 FRANCHISE GRANTED. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right, privilege and non-exclusive franchise for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of this Ordinance, to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residences thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the Code of Iowa. The term "gas" as used in this franchise shall be construed to mean natural gas only.

7-3-2 PLACEMENT OF MAINS AND PIPES. The mains and pipes of the Company must be so placed as to not interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

7-3-3 EXCAVATION. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent setting or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right-of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

7-3-4 LOCATE AND RELOCATE. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City requires the Company to relocate facilities in the public right of way that have been relocated at Company expense at the direction of the City during the previous ten years, the reasonable costs of such relocation will be paid by the City.

If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request for a commercial, private or other non-public

development, the Company shall receive payment for the cost of such relocation as a precondition to relocation its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

7-3-5 CITY ABANDON VACATING STREET. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has gas facilities, the City shall grant the Company a utility easement for said facilities, the City shall grant the Company a utility easement for said facilities. If the City does not grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities.

7-3-6 SUCCESSORS. Said Company, its successors and assigns, shall through the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

7-3-7 FRANCHISE FEE. There is hereby imposed a franchise fee of zero percent (0%) upon the gross revenue generated from sales of natural gas by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

7-3-8 TERM. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its written acceptance by the Company. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

7-3-9 SEVERABILITY. If any section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provision of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provisions of this ordinance is severable.

7-3-10 EXPENSE. The expense of the publication of this Ordinance shall be paid by the Company.

7-3-11 ACCEPTANCE OF GRANT. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified or otherwise amended without the approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact or maintain any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

Originally adopted as Ordinance No 157 on May 9th, 2017.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 4 TELEPHONE FRANCHISE

7-4-1	Ordinance Purpose	7-4-8	Service Rules and Regulations
7-4-2	Short Title	7-4-9	Standards and Safety Requirements
7-4-3	Definitions	7-4-10	Condition of Occupancy in Rights-of-way, Streets, Alleys
7-4-4	Permission	7-4-11	Force Majeure
7-4-5	Removing Wires Acceptance of Grant of Authority and Terms of Ordinance	7-4-12	Conflict Repealed
7-4-6	Liability and Indemnification	7-4-13	Severability
7-4-7	No Restriction on Service	7-4-14	Effective Date

7-4-1 ORDINANCE PURPOSE. Granting to the Van Buren Telephone Company the nonexclusive right, license and authority to locate and operate a System in the City, including the right to locate facilities and equipment in the Public Rights-of-Way and through easements dedicated for compatible uses throughout the corporate boundaries of the City, including any areas annexed to the City in the future. This Ordinance is intended and shall be applied and construed in such a manner as to govern the Company's use and occupancy of Public Rights of Way in a competitively neutral and nondiscriminatory manner as compared to other public and private utilities using and occupying any such Public Rights of Way.

7-4-2 SHORT TITLE. This Ordinance shall be known as and be cited as the "Telecommunications Right of Way Ordinance".

7-4-3 DEFINITIONS. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely direction.

1. "City" is the City of Keosauqua, Iowa.
2. "Company" is the grantee of rights under this Ordinance and is known as VAN BUREN TELEPHONE COMPANY, INC., an Iowa corporation and its successors or assigns.
3. "Public Right of Way" means the area on, below or above a public roadway, highway, street, bridge, cartway, bicycle lane or public sidewalk in which the City has an interest, including other dedicated rights-of-way for transportation purposes and utility easements. The Public Right of Way does not include the airwaves above any right of way with regard to wireless or broadcast services or utility poles owned by the City or any City-owned utility. An area of City concern in the Right of Way is the "depth of buried lines" in any Right of Way ditches. Such line burial in ditches should be preceded by a "consult" with the City.
4. "System" means the Company's facilities and equipment designed to provide telecommunications and advanced communications services to subscribers within the City, to the extent such facilities or equipment use or occupy any Public Right of Way.

- 7-4-4 PERMISSION.** The permission, right, and authority are hereby granted for the period of 25 years from and after the acceptance of this Ordinance as herein provided, to the Company to own, construct, reconstruct, erect, operate, and maintain a System within the City and to enter upon and occupy the Public Rights of Way as the same are now, or may hereafter be extended or located for such purposes, therein, thereon, thereunder, and thereover construct, reconstruct, erect, operate, and maintain a System, consisting of poles, wires, cables, conduits, and such other equipment and facilities as is necessary, or incident, to said System and its use; and to sell and furnish telecommunications and advanced communications service to the city and its inhabitants, including those of surrounding rural areas.
- 7-4-5 ACCEPTANCE OF GRANT OF AUTHORITY AND TERMS OF ORDINANCE.** The Company shall, within sixty (60) days after the publication of this Ordinance, signify in writing an acceptance of the authority granted herein, including the conditions and restrictions herein expressed, and this Ordinance, and the authority granted herein, shall not be operative or binding until such acceptance is filed with the City Clerk.
- 7-4-6 LIABILITY AND INDEMNIFICATION.** Nothing in this Ordinance shall be deemed to create civil liability by one party for action, omissions or negligence of the other party, or of the other party's employees, agents or representatives. This Ordinance is not intended and shall not be interpreted or construed to provide any third parties (including, but not limited to the Company's subscribers) with any remedy, claim, liability, reimbursement, cause of action or any other right as against the City or the Company. The Company, during the term of this Ordinance, shall indemnify, defend and hold the City harmless from and against any and all claims, demands, losses and expenses arising directly from the negligence of the Company, its employees, agents or representatives, in constructing, operating and maintaining its System, except for any claims, demands, losses and expenses arising solely out of the gross negligence or willful misconduct of the City, its employees, agents or representatives. The City shall notify the Company's representative in the City within ten (10) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City and covered or potentially covered by the preceding indemnification. The Company shall maintain, and by its acceptance of this Ordinance specifically agrees that it will maintain throughout the term of this Ordinance, liability insurance insuring the City and the Company with regard to all damage mentioned above, in the minimum amounts of: \$100,000.00 property damage to any one person; \$200,000.00 for property damage resulting from any one accident; \$100,000.00 for personal injury to any one person; \$300,000.00 for aggregate personal injury arising out of any one accident. The Company shall comply with all of the provisions of the Workmen's Compensation Law of the State of Iowa.
- 7-4-7 NO RESTRICTION ON SERVICE.** Nothing in this Ordinance shall be interpreted or construed to impose any requirement that has the purpose or effect of prohibiting, limiting, restricting or conditioning the provision of a telecommunications or advanced communications service provided by the Company. The purpose of this Ordinance is limited to regulating the conditions required and the manner of use of the Public Rights of Way within the boundaries of the City.
- 7-4-8 SERVICE RULES AND REGULATIONS.** In providing telecommunications and advanced communications service to subscribers, the Company shall comply with all applicable federal and state statutes, regulations and rules, including applicable regulations, rules and orders of the Federal Communications Commission and the Iowa Utilities Board.
- 7-4-9 STANDARDS AND SAFETY REQUIREMENTS.**
1. The Company shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
 2. The Company shall install and maintain its wires, poles, conduits, fixtures, and other appurtenances and equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards and the National Electric Code of the National Board of Fire Underwriters, and such applicable Ordinances and regulations of the City and other standard practices affecting the installation and maintenance which may be, from time to time, in effect.

3. All structures and all lines, equipment, and connections, in, over, under, and upon the Public Rights of Way, wherever situated or located, shall at all times be kept and maintained in a safe, suitable, substantial condition and in good order and repair.
4. In case of any disturbance of pavement, sidewalk, driveway, or other surface, the Company shall, at its own expense and in a manner approved by the City, remove, replace, and restore all pavements, sidewalk, driveway, or surface so disturbed in as good condition as before said work was commenced. In the event the City shall elect to alter or change any street, alley, easement, or public way requiring the relocation of the facilities of the Company, the Company, upon reasonable notice by the City, shall move or relocate the same at its own expense.
5. Whenever it is necessary to shut off or interrupt service for repairs, installation, or adjustments, the Company shall do so at such times as will cause the least amount of inconvenience to its customers.
6. Any construction or safety standards set forth in this Ordinance that are inconsistent with applicable federal and state statutes, regulations and rules, including applicable regulations, rules and orders of the Federal Communications Commission and the Iowa Utilities Board shall be deemed preempted and superseded.

7-4-10 CONDITION OF OCCUPANCY IN RIGHTS OF WAY, STREETS, ALLEYS

1. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any Public Rights of Way in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. In connection with any construction, reconstruction, maintenance or repair project, the City and the Company shall communicate and coordinate with each other (and with other private and public utility companies utilizing the affected Public Right of Way and any third party contractors involved with any project) in a timely and open manner in order limit the potential need for relocation of facilities and to minimize costs and disruption of utility services in connection with any required relocations.
2. The Company may enter into one or more contracts with the light, water, and gas utilities in the City, power and cable companies, or the owner or lessee of any poles or posts located within the City, to whatever extent such contract, or contracts, may be expedient and of advantage to the Company, in furnishing service covered by this Ordinance to its customers. Co-location and shared use is a preference of the City in placement of utility lines and poles and related fixtures in the Public Rights of Way; it being the intention of this provision to eliminate the necessity for the Company to erect poles on the streets, avenues, sidewalks, and alleys of the City by the use of pole line agreements with one or more owners of poles presently in existence, where possible. Reciprocal agreements are preferred.
3. Any poles or other fixtures placed in any Public Rights of Way by the Company shall be placed in such manner as not to interfere with the usual travel on such public way.
4. The Company shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. Route and time for moving under the permit shall be fixed and directed in writing by the Mayor Pro Tem, in consult with the Company and the moving permit holder. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. Temporary movement of poles/and/or wire shall ordinarily be of no longer duration than six (6) hours. Movement shall ordinarily occur between 8:00 a.m. and 4:00 p.m. The Company shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary wire changes.
5. The Company shall have the authority to trim trees upon any overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of the trees from coming in contact with the wires, poles, conduits, and other fixtures and equipment of the Company except that at the option of the City, such trimming may be done by it, or under its supervision and direction, at the expense of the Company.

6. The Company shall be notified in accordance with the Iowa Underground Facilities Information Act and Iowa One Call System in advance of any digging within the City limits to allow the Company to mark location of any underground wire or appurtenances.

7. The right to use and occupy the Public Rights of Way for the purpose herein set forth shall not be exclusive and the City reserves the right to grant a similar use of said streets, alleys, public ways and places, to any person or entity at any time during the term of this Ordinance.

8. Any conditions or requirements for the location of equipment and facilities set forth in this Ordinance that are inconsistent with applicable federal and state statutes, regulations

and rules, including applicable regulations, rules and orders of the Federal Communications Commission and the Iowa Utilities Board shall be deemed preempted and superseded.

7-4-11 FORCE MAJEURE. Notwithstanding anything in this Ordinance to the contrary, the Company shall not be liable for any delay or failure in performance of any part of its obligations under this Ordinance from any cause beyond its control and without its fault or negligence, including acts of God, acts of civil or military authority, government regulations, adverse judicial proceedings, embargoes, epidemics, war, terrorist acts, riots, insurrections, fires, explosions, earthquakes, nuclear accidents, floods, strikes, power blackouts, major environmental disturbances, unusually severe weather conditions, inability to secure products or services of other persons or transportation facilities or acts or omissions of transportation common carriers.

7-4-12 CONFLICT REPEALED. If any Ordinance, resolution, order, or part of any Ordinance, resolution, or order hereafter enacted by this City is in conflict herewith, the same is hereby repealed.

7-4-13 SEVERABILITY. If any Section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof not adjudged invalid or unconstitutional.

7-4-14 EFFECTIVE DATE. Subject to acceptance by the Company as provided herein, this Ordinance shall be effective with final passage, approval and publication, as provided by law.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 5 CABLE TELEVISION

7-5-1	Cable Television Ordinance	7-5-10	Conditions of Occupancy
7-5-2	Short Title	7-5-11	Extraordinary Installations
7-5-3	Definitions	7-5-12	Service to Schools
7-5-4	Elections	7-5-13	Franchise Term
7-5-5	Grant of Authority	7-5-14	New Developments
7-5-6	Use of Existing Poles	7-5-15	Service Rules and Regulations
7-5-7	Territorial Area Involved	7-5-16	Compliance With FCC Standards
7-5-8	Standard & Safety Requirements	7-5-17	Severability
7-5-9	Liability	7-5-18	Ordinances Repealed

7-5-1 CABLE TELEVISION ORDINANCE. An Ordinance granting a franchise to the Starwest Inc. its successors, and assigns to operate and maintain a community antenna television system in the City of Keosauqua, Iowa; setting forth conditions accompanying the grant of franchise, and providing for regulations and use of said system by said City.

7-5-2 SHORT TITLE. This Ordinance shall be known as, and may be cited as the “Cable Television Ordinance”.

7-5-3 DEFINITIONS. For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely direction.

1. “City” is the City of Keosauqua, Iowa.
2. “Company” is the Grantee of rights under this Ordinance awarding a franchise, and is known as STARWEST INC.
3. “Cable Television” is a system for the reception, transmission, and/or origination of sounds, pictures, writings, data, signals, and other intelligence by means of a network, of coaxial cable or other conductors, equipment, and appurtenances.

7-5-4 ELECTIONS. In order for the non-exclusive franchise granted by this Ordinance to become effective, an election must be held, and a majority of those voting must vote in favor of the granting franchise. The franchise shall not be finally effective until an acceptance, in writing, has been filed with the City Council.

7-5-5 GRANT OF AUTHORITY. There is hereby granted by the City to the Grantee, the right and privilege, to construct, erect, operate, and maintain, in, upon, along, across, above,, over, and under the streets, alleys, public ways, and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the City; poles, wires, cables, underground conduits, manholes, and other television conductors, and fixtures necessary for

the maintenance and operation in the City, a Cable Television system for the interception, sale, and distribution of television signals.

The right to use and occupy said streets, alleys, public ways and places for the purpose herein set forth shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any time during the period of this franchise.

- 7-5-6 USE OF EXISTING POLES.** The poles used by the Company for its distribution system shall be those poles erected, maintained, and controlled by the City itself, or any person, firm, or corporation operating under a franchise granted by the City; or any person, firm or corporation that shall have poles erected in, on, over, or under the streets, avenues, sidewalks, and alleys of the City; whether the same be by franchise or otherwise. It being the intention of this provision to eliminate the necessity for the Company to erect poles on the streets, avenues, sidewalks, and alleys of the City by the use of pole line agreements with one or more owners of poles presently in existence.
- 7-5-7 TERRITORIAL AREA INVOLVED.** This franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of this franchise.
- 7-5-8 STANDARDS AND SAFETY REQUIREMENTS.** The Grantee shall, at all times, employ ordinary care, and shall install and maintain in use, commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, and nuisances to the public.

The Grantee shall install and maintain its wires, cables, fixtures, and other equipment in accordance with the requirements of the National Electrical Safety Code promulgated by the National Bureau of Standards and the National Electrical Code of the National Board of Fire Underwriters, and such applicable Ordinances and regulations of the City, affecting the electrical installations which may be, from time to time, in effect.

All structures and all lines, equipment, and connections, in, over, under, and upon the streets, alleys, sidewalks, and public ways or places of the City, wherever situated or located, shall, at all times, be kept and maintained in a safe, suitable, substantial condition and in good order and repair.

In case of any disturbance of pavement, sidewalk, driveway, or other surface, the Company shall, at its own expense, and in a manner approved by the City, remove, replace, and restore all pavements, sidewalk, driveway, or surface so disturbed, in a good condition as before said work was commenced. In the event the City shall elect to alter or change any street, alley, easement, or public way, requiring the relocation of the facilities of the Company, the Company, upon reasonable notice by the City, shall move or re-locate the same at its own expense.

Whenever it is necessary to shut of or interrupt service for repairs, installation, or adjustments, the Company shall do so at such times as will cause the least amount of inconvenience to its customers.

The Company shall auger or bore all roads, streets, or alley crossings.

- 7-5-9 LIABILITY AND INDEMNIFICATION.** The Company shall pay, and by its acceptance of this Franchise, the Company expressly agrees that it will pay, all damages and penalties which the City may legally be required to pay as a result of granting this franchise. The City shall notify the Company's representative in the City within fifteen (15) days after the presentation of any claim or demand to the City, either by suit or otherwise, made against the City arising out of the granting of this franchise. The Company shall maintain, and by its acceptance of this franchise, specifically agree that it will maintain throughout the term of this franchise, liability insurance insuring the City and the Company with regard to all damage mentioned above the minimum amounts of: \$100,000.00 property damage to any one person; \$200,000.00 for property damage resulting from any one accident; \$100,000.00 for personal injury to any one person; \$300,000.00 for personal injury arising out of any one accident. The Company shall comply with all of the provisions of the Workmen's Compensation Law of the State of Iowa.
- 7-5-10 CONDITION OF OCCUPANCY.** All transmissions and distribution structures, lines, and equipment erected by the Company within the City shall be so located as to cause minimum interference with the property use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and

reasonable convenience of property owners who join any of the said streets, alleys, and other public ways or places.

The Company may enter into one or more contracts with the light, water, and gas utilities in the City, power and telephone company, or the owner or lessee of any poles or posts located within the City, to whatever extent such contract or contracts may be expedient and of advantage to the Company in furnishing service covered by this franchise to its customers.

Any poles or other fixtures placed in any public way by the Company shall be placed in such a manner as not to interfere with the usual travel on such public way.

The Company shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. The Company shall be given not less than seventy-two (72) hours advance notice to arrange for such temporary wire changes.

The Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of the trees from coming in contact with the wires and cables of the Company, except that at the option of the City, such trimming may be done by it, or under its supervision and directions at the expense of the Company.

The Company shall be notified forty-eight (48) hours in advance of any digging within the City limits to allow Company to mark location of underground cable.

The City of Keosauqua reserves the rights to determine the area in the right-of-way in which the Company will place the utility.

All road crossings will be perpendicular to all streets and alleys.

All construction work will be performed during working hours of Monday – Friday, 7:00 a.m. – 5:00 p.m. Exceptions to this will be work deemed as an emergency.

- 7-5-11 EXTRAORDINARY INSTALLATIONS.** The Company is granted the privilege of making additional charges for extraordinary installations such as underground services or length in excess of 150 feet.
- 7-5-12 SERVICE TO SCHOOLS.** Upon request, the Company shall furnish, free of charge, connections and service to all public and parochial schools within the City.
- 7-5-13 FRANCHISE TERM.** The franchise granted the Company herein shall terminate twenty-five (25) years from the date of grant, and may be renewed for successive twenty-five (25) year terms on the same terms and conditions as contained herein, provided that each renewal must be preceded by public proceedings involving public notice and opportunity for interested parties to participate, during which the Grantee's performance during the previous franchise terms, plans for future operations, the adequacy of the franchise provisions, and the consistency of the provisions with applicable FCC rules are fully reviewed.
- 7-5-14 NEW DEVELOPMENTS.** It shall be the policy of the City liberally to amend this franchise upon application of the Company, when necessary, to enable the Company to take advantage of any developments in the field of transmission of television and radio signals, which will afford it an opportunity more effectively, efficiently, or economically, to serve its customers. Provided, however, that this section shall not be construed to require the City to make any amendment or to prohibit it from unilaterally changing its policy stated herein.
- 7-5-15 SERVICE RULES AND REGULATIONS.** The Company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business, not inconsistent with the provisions of this Ordinance, and a copy of such service rules and regulations shall be kept on file at all times with the City Clerk.
- 7-5-16 COMPLIANCE WITH FCC STANDARDS.** The Company shall fully comply with all technical standards adopted by the FCC as related to cable television systems.

7-5-17 SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

7-5-18 ORDINANCES REPEALED. All parts of Ordinances in conflict with provisions of this Ordinance are repealed.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 6 SUBDIVISIONS

7-6-1	Short Title	7-6-12	Requirements of Final Plat
7-6-2	Purpose	7-6-13	Final Plat Attachments
7-6-3	Definitions	7-6-14	Action by the City Council
7-6-4	Platting Required	7-6-15	General Requirements
7-6-5	Procedure	7-6-16	Improvements Required
7-6-6	Requirements of Preliminary Plat	7-6-17	Completion of Improvements
7-6-7	Referral of Preliminary Plat	7-6-18	Performance Bond
7-6-8	Action by City Superintendent	7-6-19	Variances
7-6-9	Action by City Council	7-6-20	Changes and Amendments
7-6-10	Final Plat	7-6-21	Penalty
7-6-11	Referral of Final Plat		

- 7-6-1 SHORT TITLE.** The Ordinance regulating the design and development of new subdivisions and of re-subdivisions for the City of Keosauqua shall be known as “The City of Keosauqua, Iowa Subdivision Control”.
- 7-6-2 PURPOSE.** The purpose of this Ordinance is to establish minimum standards for the designs, development and improvement of all new subdivisions and re-subdivisions, so that existing developments will be protected, and so that adequate provisions are made for public services; and to promote the health, safety, and general welfare in the City of Keosauqua, Iowa.
- 7-6-3 DEFINITIONS.** For use in this Ordinance, certain terms or words used herein shall be interpreted or defined as follows. Words used in the present tense shall include the future; the singular shall include the plural; the plural shall include the singular; and the term “shall” is always mandatory.
1. “Alley” means a public right-of-way, other than a street. 20 feet or less in width, affording secondary means of access to abutting property.
 2. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways, and/or the exterior boundaries of the subdivision.
 3. “Building Lines” shall mean a line on a plat between which line and public right-of-way no buildings or structures may be erected.
 4. “Clerk” shall mean the City Clerk of the City of Keosauqua, Iowa.
 5. “Council” shall mean the City Council of the City of Keosauqua, Iowa.

6. "Cul-de-sac" shall mean a minor street having one end open to traffic and terminated by a vehicular turn-a-round.
7. "Easement" shall mean a grant of the right to use a strip of land for specific purposes by the general public, a corporation, or certain persons.
8. "Lot" shall mean a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership for building development.
9. "Major Street" shall mean a street of considerable continuity connecting various sections of a city, designated as a major street on the official major street plan of the City.
10. "Minor Street" shall mean a street which is used primarily for access to the abutting properties.
11. "Performance Bond" shall mean a surety bond or cash deposit made to the City of Keosauqua, Iowa, in an amount equal to the full cost of the improvements which are required by this Ordinance; said cost estimated by the City Superintendent or City Council, and said surety bond or cash bond being legally sufficient to secure to the City that said improvements will be constructed in accordance with this Ordinance.
12. "Encumbrance Bond" shall mean a surety bond or cash deposit made out to the City of Keosauqua, in an amount equal to the full cost of paying or retiring all liens and encumbrances on the land being subdivided as of the date and time the final plat filed, as hereinafter provided, is accepted by the City Council.
13. "Plat" shall mean a map, drawing, or chart on which the sub-divider's plan of the subdivision of the land is presented, in which he submits for approval and intends, in final form, to record.
14. "Sub-divider" shall mean a person, firm, or corporation undertaking the subdivision or re-subdivision of a tract or parcel of land.
15. "Subdivision" shall mean a subdivision in the division of land into 3 or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, shall relate to the process of sub-dividing or the land subdivided, or the re-subdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, and division of land.
16. "Superintendent" shall mean the City Superintendent of the City, or any City employee designated by the Council.

7-6-4 PLATTING REQUIRED. Every owner of any tract or parcel of land who has subdivided, or shall hereafter subdivide or plat the same for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the city, or within two (2) miles from corporate limits, shall cause plats of such area to be made in the form, and containing the information as hereinafter set forth, before selling any lots therein contained or placing the plat on record.

7-6-5 PROCEDURE. In obtaining final approval of a proposed subdivision by the City Council, the sub-divider shall submit a preliminary plat in accordance with the requirements hereafter set forth and install improvements or provide a performance bond.

7-6-6 REQUIREMENTS OF PRELIMINARY PLAT. The sub-divider shall first prepare and file with the City Clerk 7 copies of a preliminary plat of adequate scale and size showing the following:

1. Title, scale, north point, and date.
2. Subdivision, boundary lines, showing dimensions, bearings, angles, and references to section, townships, and range lines or corners.
3. Present and proposed streets, alleys, and sidewalks, with their right-of-way, in or adjoining the subdivision, including dedicated widths, approximated gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights.

4. Proposed layout of lots, showing numbers, dimensions, radii, chords, and the square foot areas of lots that are not rectangular.
5. Building setback or front yard lines.
6. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
7. Present and proposed easements, showing locations, widths, purposes and limitations.
8. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each.
9. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
10. Names and addresses of the owner, sub-divider, builder, and engineer, surveyor, or architect who prepared the preliminary plat, and the engineer, surveyor, or architect who will prepare the final plat.
11. Existing and proposed zoning of the proposed subdivision and adjoining property.
12. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
13. Contours at vertical intervals or not more than 2 feet of the general slope of the site is less than 10%, and at vertical intervals of not more than 5 feet if the general slope is 10% or greater, unless the council waives this requirement.

7-6-7 REFERRAL OF PRELIMINARY PLAT. The City Clerk shall forthwith refer two (2) copies of the preliminary plat to the City Superintendent and five (5) copies to the City Council.

7-6-8 ACTION BY THE CITY SUPERINTENDENT. The City Superintendent shall carefully examine said preliminary plat as to its compliance with the laws and regulations of the City of Keosauqua, Iowa, the existing regulations of the City of Keosauqua, Iowa, the existing street system, and good engineering practices, and shall, as soon as possible, submit his findings in duplicate to the City Council, together with 1 copy of the plat received.

7-6-9 ACTION BY THE CITY COUNCIL. The City Council shall, upon receiving report of the City Superintendent, as soon as possible, but not more than 30 days thereafter, consider said report, negotiate with the sub-divider on changes deemed advisable, and the kind and extent of improvements to be made by him; and pass upon the preliminary plat as originally submitted or modified. If the City Council does not act within 30 days, the preliminary plat shall be deemed to be approved, provided, however, that the sub-divider may agree to an extension of the time, for a period not to exceed an additional 60 days. It shall then set forth its recommendations or disapproval.

1. In the event that substantial changes or modifications are made by the City Council or disapproval of the plat, it shall give its reasons therefor, and it may request and cause the revised preliminary plat to be re-submitted in the same manner as the original plat.
2. If approved, the City Council shall express its approval as "Conditional Approval" and state the conditions of such approval, if any.
3. The action of the City Council shall be noted on 5 copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the sub-divider and the other copies retained by the Council.
4. The "Conditional Approval" by the City Council shall not constitute final acceptance of the addition or subdivision by the City, but an authorization to proceed with preparation of the final plat.

- 7-6-10 FINAL PLAT.** The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the sub-divider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.
- 7-6-11 REFERRAL OF FINAL PLAT.** The sub-divider shall, within 12 months of the "Conditional Approval" of the preliminary plat by the City Superintendent or City Council, prepare and file 2 copies of the final plat and other required documents with the City Clerk as hereafter set forth, and upon his failure to do so within the time specified, the "Conditional Approval" of the preliminary plat shall be null and void, unless an extension of time is applied for and granted by the City Council. Upon receipt of the final plat and other required documents, the City Clerk shall transmit 5 copies of the final plat to the City Council for its recommendations and approval.
- 7-6-12 REQUIREMENTS OF THE FINAL PLAT.** The final plat shall be clearly and legally drawn to scale of not more than one hundred (100) feet to one (1) inch with India Ink on a reproducible tracing linen. It shall show the following:
1. The title under which the subdivision is to be recorded.
 2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete, to include all distances, radii, arc, chords, points of tangency, and central angles.
 3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive. Street names may be required to conform to the City plan.
 4. Location, type, materials and size of all monuments and markers including all U.S., County, or other official bench marks.
 5. The plat should be signed and acknowledged by the subdivision land owner and his or her spouse or the appropriate corporate officer if the developer is a corporation.
 6. A sealed certification of the accuracy of the plat by the professional engineer or land surveyor who drew the final plat.
- 7-6-13 FINAL PLAT ATTACHMENTS.** The final plat shall have the following attached to it:
1. A correct description of the subdivision land.
 2. A certificate by the owner, and his spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse or appropriate corporate officers if the developer is a corporation, before some officer authorized to take the acknowledgements of deeds.
 3. A complete abstract of title and an attorney's opinion showing that the fee title to the subdivision land is in the owner, and that the land is free from encumbrances other than those secured by an encumbrance bond.
 4. A certificate from the County Treasurer that the subdivision land is free from taxes.
 5. A certificate from the Clerk of District Court that the subdivision land is free from all judgments, attachments, mechanics or other liens of record in his/her office.
 6. A certificate from the County Recorder that the title in fee is in the owner, and that it is free from encumbrances other than those secured by an encumbrance bond.
 7. A certificate of dedication of streets and other public property.
 8. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

9. Resolution and certificate for approval by the Council, and for signatures of the Mayor and Clerk.
10. Profiles, typical cross sections, and specifications of street improvements and utility systems, to show the location, size, and grade. These should be shown on a fifty (50) foot horizontal scale, and a five (5) foot vertical scale with West or South at the left.
11. A certificate by the City Superintendent or similar official that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney, and filed with the City Clerk; or that the City Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the sub-divider or future property owners thereof.
12. The encumbrance bond, if any.

7-6-14 ACTION BY THE CITY COUNCIL. Upon receipt of the final plat, the City Council shall, as soon as possible, but no more than 30 days thereafter, either approve or disapprove the final plat.

1. In the event that said plat is disapproved by the City Council, such disapproval shall be expressed in writing, and shall point out wherein said proposed plat is objectionable.
2. In the event that said plat is found to be acceptable and in accordance with this Ordinance, the City shall accept the same.
3. The passage of a resolution by the City Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the sub-divider or owner shall cause such plat to be recorded in the office of the County Recorder of Van Buren County, Iowa, and shall then file satisfactory evidence of such recording in the office of the City Clerk before the city shall recognize the plat as being in full force and effect.

7-6-15 GENERAL REQUIREMENTS. The following general requirements shall be followed by all sub-dividers.

1. Relations to existing streets.
 - a. The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such street.
 - b. The arrangements of streets in a subdivision shall either provide for the continuation or appropriate projection of existing principal streets in surrounding areas or conform to a plat for the neighborhood approved by the City Council, to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.
2. Acreage subdivisions.
 - a. Where a plat submitted covers only a part of the sub-divider's plat, a sketch of the prospective future system of the un-submitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments in connection with the street system of the part not submitted.
 - b. Where the parcel is sub-divided into larger tracts than for building lots, such parcels shall be divided so as to allow for the opening of major streets, and the ultimate extension of adjacent minor streets.
 - c. Subdivisions showing un-platted strips or private streets controlling access to public ways will not receive approval.
3. Minor Streets.
 - a. Minor streets shall be so planned as to discourage through traffic.
 - b. Cul-de-sac streets are permitted where topography and other conditions justify their use. Such streets shall not be longer than 500 feet, and shall terminate with a turn-a-round, having an outside roadway diameter of at

least 80 feet and a street property line diameter of at least 100 feet. The right-of-way width of the straight portion of such streets shall be a minimum of 50 feet. The property line at the intersection of the turn-around and the straight portion of the street shall be rounded at a radius of not less than 20 feet.

4. Frontage Streets.

a. Where a subdivision abuts or contains an existing or proposed arterial street, the council may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties, and to afford separation of through and local traffic.

b. Where a subdivision borders on, or contains a railroad right-of-way, or limited access highway right-of-way, the City Council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land; as for park purposes in residential district, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

5. Half-streets. Half-streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the City Council finds it will be practicable to require the dedication of the other half, when the adjoining property is sub-divided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted with such tract.

6. Street Geo-metrics.

a. Street jogs with centerline offsets of less than 125 feet shall be avoided.

b. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.

c. When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure a site distance of not less than 200 feet for minor and collector streets, and of such greater radii as the City Council shall determine for special cases.

d. Street right-of-way widths shall be as shown in the City's master plan.

7. Intersections.

a. Insofar as is practical, acute angles between streets at their intersection are to be avoided.

b. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 60 degrees.

c. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the City Council may deem it necessary. The City Council may permit comparable cut-offs or chords in place of round corners.

8. Street names. Streets that are in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the City Council.

9. Street grades.

a. Street grades, wherever feasible, shall not exceed 5%, with due allowance for vertical curves.

b. No street grade shall be less than $\frac{1}{2}$ of 1%.

10. Alleys.

- a. Alleys shall be provided in commercial and industrial districts, except that the City Council may waive this requirement where other definite and assured provisions is made for service access, such as off street loading, unloading, and parking consistent with and adequate for the uses proposed.
- b. The width of any alley shall be 20 feet.
- c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- d. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end, as determined by the City Council.

11. Blocks.

- a. No block may be more than 1320 feet or less than 500 feet in length between the center lines of intersecting streets, except where, in the opinion of the City Council, extraordinary conditions unquestionably justify a departure from these limits.
- b. In blocks over 700 feet in length, the City Council may require at or near the middle of the block, a public way or easement of not less than 10 feet in width for use by pedestrians and/or as an easement for public utilities.

12. Lots.

- a. The lot size, width, depth, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Minimum lot dimensions and sizes shall conform to the requirements of the zoning Ordinance, provided:
 - 1. Residential lots, where not served by public sewer shall not be less than 80 feet wide nor less than 10,000 square feet in area.
 - 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off street service and parking facilities required by the type of use and development contemplated.
 - 3. Corner lots for residential use shall have an extra 10 feet of width to permit appropriate building setbacks from and orientation to both streets.
- c. The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- d. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen of at least 10 feet and across, which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery of other disadvantageous use.
- e. Side lot lines shall be subsequently at right angles to straight street lines or radial to curved street lines.

13. Building lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the City Council may require building lines in accordance with the needs of each subdivision.

14. Easements.

- a. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, and shall be at least 10 feet wide.

b. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided, a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width for construction, or both, as will be adequate for the purpose.

15. **Plat Markers.** Markers shall be in place at all block corners, angle points, points of curves in streets, and all such intermediate points as shall be required by the City Council. The markers shall be of such material, size, length, as may be approved by the City Council.

7-6-16 IMPROVEMENTS REQUIRED. The sub-divider shall install and construct all improvements required by this Ordinance. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the City Council, and to its satisfaction.

1. **Streets and alleys.** All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council, after receiving the report and recommendations of the City Superintendent.
2. **Roadways.** All roadways shall be surfaced with portland cement concrete or with asphalt concrete over a crushed stone base as the City Council may require.
3. **Curb and gutter.** Curb and gutter shall be required on all streets. All curb and gutter shall be constructed to the grade approved by the City Council after receiving the report and recommendations of the City Superintendent.
4. **Sidewalks** may be required by the City Council if they are considered necessary for the general welfare and safety of the community. Sidewalks shall be constructed to the grade approved by the City Council after receiving the report and recommendations of the City Superintendent.
5. **Water lines.** Where a public water main is reasonably accessible, the sub-divider shall connect with such water main, and provide a water connection for each lot with service pipe installed to the property line in accordance with the city water department standards, procedures, and supervision.
6. **Sewers.**
 - a. Where a public sanitary sewer is reasonably accessible, the sub-divider shall connect or provide for the connection with such sanitary sewer, and shall provided within the subdivision, the sanitary sewer system, and be required to make the sewer accessible to each lot in the subdivision. Sanitary sewers shall be stubbed into each lot. Sewer systems shall be approved by the City Council, the State Department of Health, and the Department of Environmental Quality, and the construction subject to the supervision of the City Superintendent.
 - b. Where sanitary sewers are not available, other facilities, as approved by the City Council, the State Department of Health, and the Department of Environmental Quality must be provided for the adequate disposal of sanitary wastes.
 - c. Adequate provisions shall be made for the disposal of storm waters, subject to the approval of the City Council, and to the supervision of the City Superintendent.

7-6-17 COMPLETION OF IMPROVEMENTS. Before the City Council will approve the final plat, all of the foregoing improvements shall be constructed and accepted by formal resolution of the City Council. Before passage of said resolution of acceptance, the City Superintendent shall report, in writing, that said improvements meet all City specifications and ordinances, or other City requirements, and the agreements between the sub-divider and the City.

7-6-18 PERFORMANCE BOND. The completion requirement may be waived in whole or in part if the sub-divider will post a performance bond, with the City Council guaranteeing that improvements not completed will be constructed within a period of 1 year from final acceptance of the plat; but his final acceptance of the plat will not constitute final acceptance by the City Council of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

- 7-6-19 VARIANCES.** Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the sub-divider, because of unusual topography or other conditions, the City Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured. Provided, however, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Ordinance. In no case shall any variance or modification be more than minimum easing of the requirements, and in no instance shall it be in conflict with any zoning Ordinance; and such variances and waivers may be granted only by the affirmative vote of $\frac{3}{4}$ of the members of the City Council.
- 7-6-20 CHANGES AND AMENDMENTS.** Any regulations or provisions of this regulation may be changed and amended from time to time by the City Council. Provided that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than 10 nor more than 25 days before the date of the hearing.
- 7-6-21 PENALTY.** Anyone violating any of the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding 30 days, or a fine not exceeding \$100.00.

TITLE VII - SPECIAL ORDINANCE

CHAPTER 7 URBAN REVITALIZATION

7-7-1 Urban Revitalization District	7-7-9 City Services
7-7-2 Repealer	7-7-10 Applicable Revitalization
7-7-3 Severability	7-7-11 Qualifications of Eligibility
7-7-4 Introduction	7-7-12 Tax Exempt Schedule
7-7-5 Geographic Description	7-7-13 Relocation
7-7-6 Existing Valuations	7-7-14 Outside Funding Assistance
7-7-7 Property Owners	7-7-15 Application and Prior Approval
7-7-8 Zoning Classification	7-7-16 Repeal of Ordinance

- 7-7-1 URBAN REVITALIZATION DISTRICT.** The Urban Revitalization District of the City of Keosauqua, Iowa, as established, is hereby declared, pursuant to Iowa Code, Chapter 40-4, to be an Urban Revitalization Area.
- 7-7-2 REPEALER.** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance are hereby repealed.
- 7-7-3 SAVING CLAUSE.** If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.
- 7-7-4 INTRODUCTION.** Section 104.4 of the Code of Iowa provides that the City Council may designate an area of the City as a revitalization area, if that area is any of the following:
1. An area in which there is a predominance of building, or improvements, whether residential or non-residential, which, by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime, and which is detrimental to the public health safety, or welfare.
 2. An area, which by reason or the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provisions of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, or welfare in its present condition, and use.
 3. An area in which there is a predominance of buildings or improvements, which by reason of age, history, architecture, or significance should be preserved, or restored to productive use.
 4. An area which is appropriate as an economic development area, defined in Section 403.17 of the Iowa Code.

The City of Keosauqua's Urban Revitalization Plan (Plan), which includes all properties within the corporate limits of the community, is prepared to enable local property owners and the City to take advantage of property tax exemptions allowed by Chapter 404 of the 1991 Iowa Code, as amended. This law provides cities the opportunity to influence their growth by stimulating investment from the private sector. The tax exemptions, induce investment by reducing the tax increase that would normally result from making the improvements to real estate. After the exemption period has fully expired, the individual property will be fully taxed, thus promoting the philosophy that tax incentives are used to encourage individuals to improve their property while furthering the long term City goal of increasing the tax base.

Certain criteria were established which must be met by a City exercising the authority conferred by Chapter 404 of the Code of Iowa. Accordingly, the Keosauqua City Council adopted Resolution No. 40-92, on December 15, 1992, finding a need for the establishment of an urban revitalization district, and prepared a set of policies and criteria for implementation.

- 7-7-5 GEOGRAPHIC DESCRIPTION.** The entire area within the corporate boundaries of the City of Keosauqua, shall be the Urban Revitalization District (District). The legal description for the district is as follows: All of Section 36, the South Half of the South Half of Section 25, the Southeast quarter of the Southeast quarter of Section 26, and the East half of the East half of Section 35, all in Township 69, North of Range 10, West of the 5th P.M., Van Buren County, Iowa, Appendix A, is a map of the corporate boundaries of the City of Keosauqua, which outlines the revitalization district boundaries.
- 7-7-6 EXISTING VALUATIONS.** Valuations of each parcel within the Keosauqua Urban Revitalization District, and the total assessed value of the properties in the District are contained in appendix B. This document will be kept by the Clerk at the Keosauqua City Hall.
- 7-7-7 PROPERTY OWNERS.** The names and addresses of the property owners for each parcel identified within the Keosauqua Urban Revitalization District are contained in Appendix B.
- 7-7-8 ZONING CLASSIFICATION.** The existing zoning classifications and district boundaries for the City are as reflected in Appendix C. The original zoning map of the City is kept by the Clerk at City Hall.
- 7-7-9 CITY SERVICES.** The City of Keosauqua currently provides police, fire protection, sanitary sewer, municipal water, solid waste, and other normal city services to all parcels within the District.
- 7-7-10 APPLICABLE REVITALIZATION.** The revitalization is applicable to all property within the designated District. The revitalization is for both new construction and rehabilitation/additions to existing structures. All applications for tax abatement within the district must be filed in order to be eligible for the abatement schedule. The term of this plan may be extended on its expiration by Council action and an approved update of the plan.
- 7-7-11 QUALIFICATIONS OF ELIGIBILITY.** Improvements are eligible for the tax abatement plan, provided they satisfy all of the following requirements:

1. The improvements must be added during the time the area is designated as a revitalization area.
2. Improvements, consisting of rehabilitation or additions to existing buildings, must increase the actual value of the qualified real estate by at least 15%.
3. The improvements must be completed in accordance with all other regulations of the City of Keosauqua.

The "date of beginning of new construction of a building" means the date on which occurs the first placement of permanent construction materials, which are to become a part of the building, such as pouring of slabs or footings, or any work beyond the stage of excavation.

The "date of beginning of rehabilitation of, or addition to an existing building" means, with respect to each individual project involving rehabilitation or additions, the earliest date on which either of the following occurs: the first placement of permanent construction materials, which are to become a physical portion of the rehabilitation or addition; or the first alteration of any wall, ceiling, floor, or other structural part of the existing building.

7-7-12 TAX EXEMPTION SCHEDULE.

1. All qualified real estate assessed as residential property is eligible to receive an exemption from taxation based on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the exemption is equal to a percent of the actual value added by the improvements, determined as follows:
 - a. One hundred fifteen percent of the value added by the improvement. However, the amount of the actual value added by the improvements, which shall be used to compute the exemption, shall not exceed twenty thousand dollars (\$20,000), and the granting of the exemption shall not result in the actual value of the qualified real estate being reduced below the actual value on which the homestead credit is computed under Section 425.1
2. All qualified real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:
 - a. For the first year eighty percent (80%).
 - b. For the second year, seventy percent (70%).
 - c. For the third year sixty percent (60%).
 - d. For the fourth year, fifty percent (50%).
 - e. For the fifth year, forty percent (40%).
 - f. For the sixth year, fourth percent (40%).
 - g. For the seventh year, thirty percent (30%).
 - h. Forth the eighth year, thirty percent (30%).
 - i. For the ninth year, twenty percent (20%).
 - j. For the tenth year, twenty percent (20%).
3. All qualified real estate is eligible to receive one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.
4. The owners of qualified real estate eligible for the exemption provided in this section shall elect to take applicable exemption provided in subsection 1, 2, or 3. Once the election has been made, and the exemption granted, the owner is not permitted to change the method of exemption.
5. The tax exemption schedule specified in subsections 1, 2, or 3, shall apply to every revitalization area within the City.

7-7-13 RELOCATION. In the event that a relocation occurs as a result of the tax abatement program, the following provisions must be met:

1. **Benefits.** Upon application for, and verification of eligibility for tax abatement to a property owner by the City, qualified tenants in designated areas, whose displacement is due to action on the part of a property owner, to qualify for said tax abatement under this Plan, shall be compensated by the property owner for one month's rent, and for actual reasonable moving, and related expenses.
2. **Eligibility.** "Qualified Tenant" as used in this Plan, shall mean the legal occupant of a residential dwelling unit, which is located within the District, and who has occupied the same dwelling unit continuously since one year prior to the City's adoption of this Plan.
3. Actual reasonable moving and related expenses for which a qualified tenant of a dwelling unit is entitled to exclude:
 - a. Transportation of the displaced person and personal property from the displacement to the replacement site. Transportation costs for a distance beyond 25 miles are not eligible.
 - b. Packing, crating, unpacking, and uncrating of personal property.
 - c. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.

4. **Least Costly Approach.** The amount of compensation for an eligible expense shall not exceed the least costly method of accomplishing the objective of the compensation, without causing undue hardship to the displaced tenant and/or landlord.

7-7-14 OUTSIDE FUNDING ASSISTANCE. The City may, seek Federal and/or State grant or loan programs in developing proposed projects. That grants and/or funding assistance are available from a number of programs at this time, including, but not limited to those enumerated below. Federal programs are available through the Department of Housing and Urban Development (HUD), and the Farmers Home Administration (FMHA). State programs are available through the Iowa Finance Authority, the Iowa Department of Economic Development, the Iowa Department of Transportation, The Iowa Arts Council, and the Iowa Historical Society.

7-7-15 APPLICATION AND PRIOR APPROVAL A person may submit a proposal for an improvement project to the City Council to receive prior approval for eligibility for a tax exemption project. The Council shall, by resolution, give its prior approval for an improvement project, if the project is in conformance with the plan for revitalization. Such prior approval shall not entitle the owner to exemption from taxation until the improvements have been completed, and found to be qualified real estate; however, if the proposal is not approved, the person may submit an amended proposal for the City Council to approve or reject. All prior approvals for an improvement project shall be effective for a period of one year from the date of prior approval by the City. If construction has not begun by that date, prior approval is null and void.

An application shall be filed for each new exemption claimed. The first application for an exemption shall be filed by the owner of the property with the City Council by February 1 of the assessment year for which the exemption is first claimed, but not later than February 1 of the assessment year following the assessment year in which all improvements included in the project are first assessed for taxation. The application shall contain, but not limited to, the following information:

- * the nature of the improvement
- * The assessable cost of the improvement
- * the estimated or actual date of completion
- * the tenants that occupied the owner's building on the date the City adopted the resolution of finding.

The City Council shall approve the application, subject to review by the local assessor, if the project is in conformance with the plan for revitalization developed by the City; is located within a designated revitalization area, and if the improvements were made during the time the area was so designated. The City Council shall forward, for review, all approved applications to the appropriate local assessor by March 1 of each year. Applications for exemptions for succeeding years for approved projects shall not be required.

7-7-16 REPEAL OF ORDINANCE. As stated in Section 404.7, Code of Iowa, the governing body of the City of Keosauqua may repeal the Ordinance establishing the revitalization area, when, in the opinion of the governing body, the desired level of revitalization has been attained, or economic conditions are such that the continuation of the exemption granted by this Chapter would cease to be of benefit to the City. In that event, all existing exemptions shall continue until their expiration.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 8 PARTIAL TAX EXEMPTION

7-8-1	Partial Tax Exemption	7-8-5	Exemption Expiration
7-8-2	Definitions	7-8-6	Past Exemption
7-8-3	Value Added Real Estate	7-8-7	Repealer
7-8-4	Application		

7-8-1 PARTIAL TAX EXEMPTION. An Ordinance granting partial tax exemption for improvements pursuant to Iowa Code 427B.

1. The partial tax exemption provisions of Chapter 427B, of the 1931 Code of Iowa, as amended, are hereby enacted by the City Council of the City of Keosauqua, Van Buren County, Iowa, for application in the areas of said City under its supervision and control.
2. On the date of this Ordinance's taking effect, qualified industrial real estate is eligible to receive a partial exemption from property taxation for a term not to exceed five (5) years. Such exemption shall be a percentage of the actual value added to industrial real estate by the new construction of industrial real estate, and the acquisition of, or improvement to machinery and equipment assessed as real estate, pursuant to Section 427A.1, subsection (1), paragraph "E" ICA.

7-8-2 DEFINITIONS. The following definition shall be used as part of this Ordinance:

1. **New Construction.** New construction means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include re-construction of an existing building or structure, or refitting of an existing building or structure, unless the re-construction of an existing building or structure is required due to economic obsolescence, and the re-construction is necessary to implement recognized industry standards for the manufacturing and processing of specific products, and the reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products which determination shall receive prior approval from the City Council of the City of Keosauqua, upon the recommendation of the Iowa Development Commission.

7-8-3 VALUE ADDED REAL ESTATE. The actual value added to industrial real estate for the reason specified in Section 427B.1, is eligible to receive a partial exemption from taxation for a period of five years. "Actual value added" as used in this section means the actual value added as of the first year for which the exemption is received, except that actual value added improvements by machinery and equipment means the actual value as determined by the Van Buren County Assessor as of January 1 of each year for which the exemption is received. The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

1. For the first year, 75%.
2. For the second year, 60%.
3. For the third year, 45%.
4. For the fourth year, 30%.

5. For the fifth year, 15%.

This schedule shall be followed unless an alternative schedule is hereafter adopted by the City Council, in accordance with section 427B.1.

However, the granting of the exemption under this section for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

- 7-8-4 APPLICATION.** An application shall be filed for each project resulting in actual value added, for which an exemption is claimed. The application for exemption shall be filed by the owner with the Van Buren County Assessor by February 1 of the assessment year in which the value added is first assessed for taxation. Applications for exemptions shall be made on forms prescribed by the Director of Revenue, and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

A person may submit a proposal to the City Council of the City of Keosauqua, Iowa, to receive prior approval for eligibility for a tax exemption on new construction. The City Council, by Ordinance, may give its prior approval of a tax exemption for new construction, if the new construction is in conformance with the zoning plans for the City or County. The prior approval shall also be subject to the hearing requirements of Iowa Code Section 427B.1. Such prior approval shall not entitle the owner to exemptions from taxation until the new construction has been completed, and found to be qualified real estate. However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the City Council to approve or reject.

- 7-8-5 EXEMPTION EXPIRATION.** When, in the opinion of the City Council, continuation of the exemption granted by this Chapter ceased to be a benefit to the City, the City Council may repeal this Ordinance as provided in Iowa Code, Section 427B.1, but all existing exemptions shall continue until their expiration.

- 7-8-6 PAST EXEMPTION.** A property tax exemption under this Ordinance shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

- 7-8-7 REPEALER.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed in so far as the conflicting portions thereof are concerned.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 9 URBAN RENEWAL

7-9-1	Purpose	7-9-4	Repealer
7-9-2	Definitions	7-9-5	Saving Clause
7-9-3	Provisions	7-9-6	Effective Date

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Keosauqua Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa.

BE IT ENACTED by the Council of the City of Keosauqua, Iowa:

7-9-1 PURPOSE. The purpose of this Ordinance is to provide for the division of taxes levied on the taxable property in the Keosauqua Urban Renewal Area, each year by and for the benefit of the state, city, county, school districts or other taxing districts after the effective date of this Ordinance in order to create a special fund to pay the principal of and interest on loans, moneys advanced to or indebtedness, including bonds proposed to be issued by the City of Keosauqua to finance projects in such area.

7-9-2 DEFINITIONS. For use within this Ordinance the following terms shall have the following meanings:

“City” shall mean the City of Keosauqua, Iowa.

“County” shall mean the County of Van Buren, Iowa.

“Urban Renewal Area” shall mean the Keosauqua Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the City council by resolution adopted on December 10, 1996:

Parcel 1: Block 90 in the Second Addition to the City of Keosauqua, and,

Parcel 2: All that part of Blocks 91, 92 and 93 in the Second Addition to said City, lying Easterly and Northeasterly of the Southwesterly and Westerly boundary of the former right-of-way of the Chicago, Rock Island and Pacific Railroad; and,

Parcel 3: The formerly platted portion of Seventh Street in said Addition lying between Louis and Franklin Streets, and,

Parcel 4: That portion of the formerly platted Louis Street located between Sixth and Seventh Streets in said City, described as follows: The Northwesterly one-half (1/2) of the said former street and the Northeasterly seven-twelfths (7/12) of the Southeasterly one-half of said former street; and,

Parcel 5: Sixth, Louis and Franklin Streets adjacent to the foregoing-described four parcels; and then continuing down Franklin Street (County Road J-40) in a Westerly direction to the West corporate line of the City of Keosauqua, Iowa; and

Parcel 6: The SE ¼ of the SE ¼ of Section 26 and all that part of the SW ¼ of the SW ¼ of Section 25 lying West of Westerly of the East or Easterly boundary of the former right-of-way of the Chicago, Rock Island and Pacific Railroad, all in Township 69 North, Range 10 West of the Fifth P.M.; and

Parcel 7: The NE ¼ of the NE ¼ of Section 35 of said Township and Range, *except* the East approx. 366.63 feet thereof, and also *except* the West approx. 325 feet of the South approx. 585.5 feet of the East approx. 689 feet thereof, and

All that part of the corporate limits of the City of Keosauqua, Van Buren County, Iowa, bounded on the West by the former Right of Way of the Chicago, Rock Island and Pacific Railroad; on the South or Southwest by Franklin Street; and on the East or Southeast by Front Street, excepting the following parcels. A) Blocks 4 through 8 in the Original Des Moines, now part of the City of Keosauqua; and B) Blocks 95 through 100 of the Second Addition to the City of Keosauqua; and C) Lots 1, and 3 through 10 of Kisling's First Subdivision and Re-Subdivision of Lots 2 and 3, Block 100 of the Second Addition to Keosauqua; except all of the real estate belonging to the Van Buren County Hospital lying Southeasterly of State Highway No. 1 and Northeasterly of Franklin Street.

7-9-3 PROVISIONS. Provisions for Division of Taxes Levied on Taxable Property in the Urban Renewal Area. After the effective date of this Ordinance, the taxes levied on the taxable property in the Urban Renewal Area each year by and for the benefit of the State of Iowa, the City, the County and any school district or other taxing district in which the Urban Renewal Area is located, shall be divided as follows:

(a) that portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Urban Renewal Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which the City certifies to the County Auditor the amount of loans, advances, indebtedness, or bonds payable from the special fund referred to in paragraph (b) below, shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for said taxing district into which all other property taxes are paid. For the purpose of allocating taxes levied by or for any taxing district which did not include the territory in the Urban Renewal Area on the effective date of this Ordinance, but to which the territory has been annexed or otherwise included after the effective date, the assessment roll applicable to property in the annexed territory as of January 1 of the calendar year preceding the effective date of the Ordinance which amends the plan for the Urban Renewal Area to include the annexed area, shall be used in determining the assessed valuation of the taxable property in the annexed area.

(b) that portion of the taxes each year in excess of such amounts shall be allocated to and when collected be paid into a special fund of the City to pay the principal of and interest on loans, moneys advanced to or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under the authority of Section 403.9(1), of the Code of Iowa, incurred by the City to finance or refinance, in whole or in part, projects in the Urban Renewal Area, except that taxes for the payment of bonds and interest of each taxing district shall be collected against all taxable property within the taxing district without limitation by the provisions of this Ordinance. Unless and until the total assessed valuation of the taxable property in the Urban Renewal Area exceeds the total assessed value of the taxable property in such area as shown by the assessment roll referred to in subsection (a) of this section, all of the taxes levied and collected upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts as taxes by and for said taxing districts in the same manner as all other property taxes. When such loans, advances, indebtedness, and bonds, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the Urban Renewal Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

(c) the portion of taxes mentioned in subsection (b) of this section and the special fund into which that portion shall be paid may be irrevocably pledged by the City for the payment of the principal and interest on loans, advances, bonds issued under the authority of Section 403.9(1) of the Code of Iowa, or indebtedness incurred by the City to finance or refinance in whole or in part projects in the Urban Renewal Area.

(d) as used in this section, the word "taxes" includes, but is not limited to, all levies on an ad valorem basis upon land or real property.

7-9-4 REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

7-9-5 SAVING CLAUSE. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional

7-9-6 EFFECTIVE DATE. This Ordinance shall be effective after its final passage, approval and publication as provided by law.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 10 ZONING

7-10-1 Purpose	7-10-9 Agriculture District
7-10-2 Definitions	7-10-10 Mobile Home Parks
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7-10-7 Class C Commercial District	7-10-15 Severability
7-10-8 Class D Industrial District	7-10-16 Handicap Accessibility Policy

7-10-1 PURPOSE. To provide adequate light, air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote health, safety, and general welfare in the City of Keosauqua, Iowa.

7-10-2 DEFINITIONS. Certain terms or words are used in a limited or special sense, as herein defined. Words used in the present tense include the future, words in a singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory and not simply direction. The word person includes a corporation as well as an individual. For use in this chapter, certain terms or words used herein shall be interpreted or defined as follows:

1. **Accessory Use or Structure.** A use or a structure subordinate to the principal use or building on the same lot, and serving a purpose customarily incidental there to.
2. **Alley.** A public way less than 21 feet in width affording secondary means of access to abutting property owner.
3. **Automobile Repair.** Major: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body, frame, or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning. Minor: Minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor service to passenger automobiles and trucks not exceeding 1 ½ tons capacity, but not including any operation specified under "Automobile Repair – Major".
4. **Basement.** A story having part, but not more than 50% of its height, below the average grade of the adjoining ground (as distinguished from a "cellar"). A basement shall be counted as a story for the purpose of height measurement.
5. **Building.** Any structure for the shelter or enclosure of persons, animals, or chattels.
6. **Dwelling.** A building, or portion thereof, occupied, or intended to be occupied, exclusively for residence purposes, but not including a tent, cabin, trailer, or a room in a hotel or motel.
7. **Dwelling, Single Family, Attached.** One or more residential buildings having a common or part wall separating dwelling units.

8. **Dwelling, Single-family, detached.** A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.
9. **Dwelling, Multi-family.** A building, or portion thereof, used for occupancy by three or more families living independently of each other, and containing three or more dwelling units.
10. **Essential Services.** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission, or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health or safety or general welfare, but not including buildings.
11. **Family.** One or more persons related by blood, marriage, or adoption, together with his or their domestic servants, maintaining a common household in a dwelling.
12. **Garage, private.** A detached accessory building or portion of a principal building used for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises.
13. **Garage, public.** Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed, and/or stored for compensation.
14. **Height.** In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice of a flat roof, or roof line; or to deck line of a mansard roof; or to the middle height of the highest gable or dormer in a pitched or hipped roof; or if there are no gables or dormers, to the middle height of such pitched or hipped roof.
15. **Highway or Primary Thoroughfare.** An officially designated federal or state numbered highway or other road designated as a highway or primary thoroughfare on the Transportation Plan as officially adopted and amended from time to time by the Planning Commission and City Council.
16. **Home Occupation.** An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit, and which does not alter the exterior of the property, or affect the residential character of the neighborhood.
17. **Land Use Plan.** The comprehensive, long-range plan for the desirable use of land in the community, as officially adopted, and as amended, from time to time, by the Planning and Zoning Commission and City Council. The purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in zoning of land to meet changing community needs; in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.
18. **Lot.** A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied, or hereafter to be occupied, by a building and its accessory buildings, is sufficient to provide the yards and courts required by the Ordinance.

LOT CORNER. A lot of which at least two adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

LOT AREA. The horizontal area within the lot lines of the lot.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT WIDTH. The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

19. **Manufactured Home.** A factory built structure, built under the authority of 42 United States Code Section 5403, is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976, to be used as a place for human **habitation**. If a manufactured home is placed in a mobile home park, the home must be titled, and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.
20. **Mobile Home.** Any vehicle without motive power, used or so manufactured or constructed as to permit it being used as a conveyance upon the public streets and highways, and so designed, constructed, or reconstructed, as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include an such vehicle with motive power not registered as a motor vehicle in Iowa. A “mobile home” is not built to a mandatory building code, contains no State or Federal Seals, and was built before June 15, 1976. If a mobile home is placed outside a mobile home park, the home is to be assessed and taxed as real estate. A mobile home is not a manufactured or modular home.
21. **Modular Home.** A factory-built structure, not built on a permanent chassis, which is manufactured to be used as a place of human habitation, is constructed to comply with the State of Iowa Building Code for modular factory built structures, and must display the seal issued by the State Building Code Commissioner. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Section 435.22 of the Iowa Code. If a modular home is placed outside a mobile home park, the home shall be considered real property, and is to be assessed and taxed as real property.
22. **Motel.** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers, and having parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed a motel.
23. **Motor Fuel Station.** A place where minor automobile repair is conducted, and where gasoline, diesel, oil, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public, and deliveries are made directly into motor vehicles; including greasing and oiling, and the sale of automobile accessories on the premises.
24. **Non-Conforming Use.** A building, structure, or premises lawfully occupied at the time of the enactment of the Ordinance by a use that does not conform with the provisions of the Ordinance for the district in which it is located; also, such use resulting from changes in zoning districts or in textual provisions made hereafter.
25. **Parking Area, Accessory.** An area of one or more parking spaces, located on the same property as the building, structure, or premises it is intended to serve; or on adjoining or nearby property other than the public right-of-way, and of such shape and nature as to be appropriate and usable for the parking or storage, loading and unloading of self-propelled vehicles.
26. **Permanent Foundation.** A foundation that consists of load-bearing support walls, constructed of concrete, that are buried at least 42” deep. This permanent foundation shall be in the form of a solid wall located under the exterior walls of the structure as to support and secure the structure. In all installations, the mobile home, manufactured home, or modular home shall be attached to the permanent foundation in such a manner as to prevent lateral movement, settling, or heaving. The permanent foundation system must be visually compatible with the aesthetics of surrounding residential structures. In the event that a perimeter foundation is incompatible with the structure, a pier system may be used, upon proof shown by owner of such incompatibilities.
27. **Principal Building.** A building in which the primary use of the lot, on which the building is located, is conducted.
28. **Principal Use.** The main use of land or structures, as distinguished from a secondary or accessory use.
29. **Sign.** Any structure or devise for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency.

30. **Sign, Gross Surface Area.** The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements lying outside the limits of such signs, and not forming an integral part of the display.
31. **Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or the ceiling or roof next above such floor; provided that, for the purpose of determining the required dimensions of yards or courts, then the average story height of a building exceeds 12 feet, each 12 feet or fraction thereof of the total building height shall be considered a separate full story or fractional story respectively, except the first story which may be 15 feet high.
32. **Half Story.** A partial story under a gable, hip or gambrel roof, the wall plates, of which, on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
33. **Street.** Any public way set aside as a permanent right-of-way for vehicular or pedestrian access; 21 feet or more in width, if it existed at the time of the enactment of this Ordinance; and any such public way created after enactment of this Ordinance, provided it is 60 feet or more in width.
34. **Structural Alteration.** Any change in the supporting members of a building, including, but not limited to, bearing walls, load-bearing partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
35. **Structure.** Anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground.
36. **Front Yard.** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified. A corner lot shall have two front yards.
37. **Front Yard, Least Depth.** The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the front lot line.
38. **Rear Yard.** An open space extending the full width of a lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
39. **Rear Yard, Least Depth.** The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 10 feet in length entirely within the lot, parallel to, and a maximum distance from the front lot line shall be considered the rear lot line.
40. **Side Yard.** An open space extending from the front yard to the rear yard between a building and the side lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.
41. **Side Yard, Least Width.** The shortest distance, measured horizontally, between any part of a building, other than such parts as hereinafter excepted, and the nearest side lot line.

7-10-3 ESTABLISHMENT OF DISTRICTS.

The City of Keosauqua, Iowa is hereby divided into the following types of districts:

1. **Class A Residential Districts:** One, two, and multi-family residential districts.
2. **Class C Commercial Districts:** Retail business districts.
3. **Class D Industrial Districts:** Any type of manufacturing or other similar plant area in the City.
4. **Agricultural Districts.**

5. Mobile Home Districts.

7-10-4 OFFICIAL ZONING MAP

As shown by the official zoning map, the city is divided into four (4) classes of districts. The boundaries of these districts are hereby established as shown on the official zoning map of the City, and said map and all notations, references, and other information shown thereon shall be, and are hereby made a part of this Ordinance by reference. The official zoning map, signed by the Mayor, and properly attested by signature of the clerk, and date of adoption, shall be and remain on file in the office of the City Clerk.

District Changes and Ordinance Amendments.

1. **ZONING COMMISSION APPROVAL.** In accordance with the provisions of Chapter 414, Code of Iowa, the City Council may, from time to time, amend or change, by Ordinance, the number, shape, or area of districts established on the Zoning Map or the regulations set forth in the Ordinance; but no such amendment or change shall become effective unless the Ordinance proposing such amendment or change shall first be submitted to the Zoning Commission for approval, disapproval or suggestions, and said Commission shall have been allowed a reasonable time, not less than 30 days, for consideration and report.
2. **HEARINGS ON CHANGES, NOTICE.** Before submitting its recommendations and report to the Council, the Zoning Commission shall hold a public hearing on the proposed amendment, supplement, or change. It shall give not less than 4 nor more than 20 days notice of the time and place of such hearing by publication in a newspaper published in the community and by mailing notices to all property owners directly involved, contiguous to, or directly across a street or alley from the area proposed to be altered.
3. **AMENDMENT PETITION.** Any person desiring a change in zoning or property may make application therefore, and in so doing, shall accompany the petition for such change in zoning, or the Ordinance introduced for the purpose of changing such zoning, with a fee in the amount of \$25.00 toward the cost of processing the application. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
4. **PUBLIC FILING VOTE.** During the 15 days prior to the public hearing, the text or copy of the text of such Ordinance or petition, together with the maps or plans, or copies thereof shall be on file, for public examination in the office of the City Clerk. No Ordinance which differs from the recommendations made by the Zoning Commission shall become effective unless passed by not less than $\frac{3}{4}$ of all members of the Council.
5. **PROTEST.** In case of written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of 20% or more of either the frontage proposed to be altered, or of the frontage immediately adjoining or across an alley there from, or directly opposite the frontage proposed to be altered, is filed with the City Clerk, such amendment shall not be passed or become effective except by the favorable vote of $\frac{3}{4}$'s of all members of the Council.
6. **PROCEDURAL OMISSIONS.** The failure to notify, as provided by this Article, shall not invalidate an Ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any Ordinance passed here under, it being the intention of the Article to provide so far as may be for notice to the persons substantially interested in the proposed change, that an Ordinance is pending before the council, proposing to make a change in zoning.

Replacing Official Zoning Map. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of use, the City Council may, by Resolution adopt a new official zoning map, which shall supersede the prior map. The new official zoning map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original zoning Ordinance, or any subsequent amendment thereof. The new official zoning map shall be identified by date and the signature of the Mayor attested by the City Clerk, under the following words: "This is to Certify that this Official Zoning Map is adopted (date of adoption of map being replaced) as part of the zoning Ordinance of the City".

7-10-5 GENERAL PROVISIONS.

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered:
 - a. To exceed the height
 - b. To accommodate or house a greater number of families
 - c. To occupy a greater percentage of lot area; or
 - d. To have narrower or smaller rear yards, side yards, inner or outer courts than are specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.

Non-Conforming Buildings and Uses.

The lawful use of any building or land existing at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance.

Abandonment. Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provisions of this Ordinance.

Transfers or Changes of Occupancy of Modular or Manufactured Housing. Any modular or manufactured home in place prior to the enactment of this Ordinance shall not be allowed to remain upon real estate within the corporate limits of the City of Keosauqua unless such modular or manufactured home shall comply with the permanent foundation requirements of this Ordinance whenever a transfer of ownership or change of occupancy occurs.

Additional Requirements, Exceptions, and Modifications.

The requirements and regulations specified heretofore in the Ordinance shall be subject to the additional requirements, exceptions, modifications, and interpretations in the following:

1. Height Limits: Height limitations stipulated elsewhere in this report shall not apply:
 - a) . To barns, silos, or other farm buildings or structures on farms, provided these are not less than 50 feet from every lot line; to church spires belfries, cupolas, and domes, monuments, water towers, fire and hose towers, masts and aerials; to parapet walls extending not more than 4 feet above the limiting height of the building. However, if, in the opinion of the building inspector or his equivalent, such structures would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustments.
 - b). To places of public assembly such as churches, schools, and other permitted public and semi-public buildings not to exceed six stories, or 75 feet, provided that for each foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
 - c.) To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors, and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders, or other structures, where the manufacturing process requires a greater height. Where a permitted use requires greater heights than specified, such may be authorized by the Board of Adjustments.

7-10-6 CLASS A RESIDENTIAL DISTRICTS.

The following uses of land are permitted in all Class A residential districts:

1. Private and two family dwelling units.
2. Churches and places of worship and parochial schools.
3. Public schools, public libraries, parks, playgrounds, day care centers.
4. Greenhouses, and customary agricultural operations as permitted in item 12 following, but no livestock or fowl are to be raised in the district.
5. [ORD. 127] Small home occupations, provided that there shall be no signs or other evidence of such use other than a small announcement or professional sign not over four (4) square feet in size.
6. Other customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity conducted as a business.
7. Multiple dwelling units, including rooming and boarding houses and tourist homes.
8. Modular homes placed on a permanent foundation.
9. Manufactured homes placed on a permanent foundation.
10. Hospitals and Mental Health places.
11. Cemetery and the necessary incidental structures with the approval of the Board of Adjustments and subject to such conditions as are deemed appropriate by such board.
12. Operations including a garden, nursery, and greenhouse, subject to the following restriction:
 - a. No greenhouse heating plant shall be operated within 75 feet of any adjoining lot line.
13. Public utility structures necessary for the service of the area.
14. One sign advertising the sale or rent of buildings upon which it is located. Such sign shall not exceed two square feet in area, and shall be distant from the street line not less than $\frac{1}{2}$ the front yard depth.
15. Other uses, which in the opinion of the City Council are of the same general character as those listed above, as permitted uses and which will not be detrimental to the district in which they are located.

Height of Buildings in Class A Residential Districts.

No dwelling or other structures shall be erected to a height in excess of thirty-five (35) feet.

1. Exceptions to height regulations:
 - a. Water tanks and utility poles.
 - b. Church steeples.
 - c. Television antennas.
 - d. Flag poles.
 - e. All other uses which are not used for human habitation.
 - f. Exceptions to the above: uses that would constitute a hazard to airport operations or to other vehicular operations, public or private.

Density of Population.

Lot area shall not be less than five thousand (5,000) feet square, and lot width not less than fifty (50) feet. There shall be no more than one dwelling placed on each lot of the above size.

Minimum Dwelling Size.

Any single family dwelling unit in a Class A Residential district shall contain not less than 1,100 square feet of ground floor area, exclusive of open porches, garages, or steps. For purpose of ground floor area levels other than the top-most level of a split-foyer or split level design may be aggregated to determine compliance, exclusive of basement area.

Percentage of Lot Covered by Buildings, Dwellings, and Other Structures.

All dwellings or other structures, including accessory buildings shall not cover more than forty percent (40%) of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

Yards, Courts, and Open Spaces.

Each lot shall have front, side, and rear yards not less than the following depth and width:

1. Front yard depth – twenty-five feet (25’).
2. Each side yard width – five feet (5’).
3. Rear yard depth – twenty-five feet (25’).
4. Corner lots shall be determined to have two front yards with depths of twenty-five feet (25’) each.

Distance Between Buildings on Same Lot.

No principal building shall be closer to any other principal building than the average of the heights of said buildings.

Automobile Storage or Parking Space.

In connections with every multiple-family dwelling, there shall be provided, automobile storage or parking areas equal to, no t less than ample parking for two vehicles for each family unit in such structure, provided, however, that no front yard shall be used for the open air parking or storage of any motor vehicle.

7-10-7 CLASS C COMMERCIAL DISTRICTS.

The following regulations and used permitted shall apply to all general business districts, otherwise known as Class C commercial districts:

1. All the uses permitted in any residential district subject to all the provisions specified for such residential districts
2. Stores and shops for the conducting of any lawful retail business.
3. Personal service shops.
4. Banks, theaters, offices, restaurants.
5. Garages and filling stations, upon the approval of the Board of Adjustment and subject to such conditions and safeguards as deemed appropriate by such board, and upon the securing of a permit therefor, subject to the following provisions:
 - a. Pumps, lubricating or other devices are located at least 35 feet distance from any street or lot line.
 - b. All fuel, oil, or similar substances are stored at least 35 feet distance from any street or lot line.

6. The wholesale or bulk storage of petroleum and other explosive or combustible mixtures is permitted, subject to conformance with all Iowa Departmental Rules, local fire or safety Ordinances, and such other regulations issued by the fire chief, pertinent to the storage of such products.

7. Other uses permitted:

- a. Advertising signs and billboards
- b. Amusement Places.
- c. Apartment houses.
- d. Auction rooms.
- e. Bakeries.
- f. Electric repair shops.
- g. Freight stations.
- h. Hotels.
- i. Laundries.
- j. Blacksmith and locksmith shops.
- k. Telegraph service stations.
- l. Painting and decorating shops.
- m. Photographic galleries.
- n. Plumbing shops.
- o. Police and Fire department stations.
- p. Post offices.
- q. Printing shops.
- r. Railroad passenger stations.
- s. Recreation buildings and structures.
- t. Roofing or plastering shops or both.
- u. Sales and/or showrooms.
- v. Shoe repair shops.
- w. Mortuary establishments.
- x. Other uses, which, in the opinion of the City Council, are of the same general character as those listed above, as permitted uses, and, which will not be detrimental to the district which they are located.

Building Height Limit. No building shall be erected to a height in excess of fifty (50) feet.

Required Dimensions. Lot dimensions shall not be of less than fifty (50) feet in width and fifty (50) feet in depth.

Yards Required.

1. **Rear Yard.** There shall be a rear yard of not less than ten percent (10%) of the depth of the lot.
2. **Side Yard.** A side yard, if provided, shall not be less than three (3) feet wide.

Percentage of Lot Covered. No building with its accessory buildings, to be used for said commercial purpose, shall occupy in excess of ninety percent (90%) of the area of the lot.

Any building used for residence purposes shall have a lot area and lot width equal to that required in the least-restricted residence district for the same type of dwelling.

7-10-8 CLASS D INDUSTRIAL DISTRICTS.

The following regulations and uses permitted shall apply in all Class D industrial districts:

1. All uses not otherwise prohibited by law except any residential use, or uses otherwise prohibited by Ordinance.
2. Junk yards or automobile wrecking yards, commercial scrap iron, scrap paper or rag storage operations. Sorting or baling must be entirely enclosed within a solid fence, or be by other means concealed as approved by the Board of Adjustments.

Uses Prohibited.

All use of land, buildings, and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions. Prohibited uses shall include, but not be limited to, those which have been declared a nuisance in any court of record, or which may be unreasonably obnoxious, unhealthy or offensive, by reason of emission of odor, dust, smoke or noise.

Review by Board of Adjustments.

The above prohibitions are subject to review by the board of adjustment and such uses may be permitted if approved by the Board of Adjustment and subject to the securing of a permit therefor, and to such conditions, restrictions, and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals or general welfare of the Community.

Building Height Limit.

No building in this district shall be erected to a height in excess of fifty feet (50')

Yard Required.

Each lot shall have a front yard not less than twenty-five feet (25') in depth.

7-10-9 AGRICULTURAL DISTRICT.**PERMITTED PRINCIPAL USES.**

1. Agricultural activities such as crop farming, truck gardening, livestock farming, and general grazing and pasturing, but not including confinement feeding or other concentrated feedlot activities within 1320 feet of an "A" or "C" district.
2. Public parks, playgrounds, and recreational areas.
3. Essential services as defined in Section 2, and municipal administrative or public service buildings or properties, except such uses as storage yards, warehouses, garages, or other uses customarily conducted as gainful business, provided any building is located not less than 20 feet from any lot in any "A" district.
4. Cemeteries of 10 acres or more in size.
5. Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any "A" District.
6. Any building or structure occupied or used for pre-schools, elementary schools, junior high or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line.
7. Sale of nursery and greenhouse products.
8. Railroad right-of-way and tracks, not including switching, storage terminal facilities or freight yards.
9. Non-farm, single family detached dwellings on lots of 2 acres or more.
10. Transformer stations and booster or pressure regulating stations without service yard or storage.

Permitted When Authorized by Board of Adjustment.

1. Sanitary landfills, in accordance with County and State regulations, except that no sanitary landfill shall be operated within 1,320 feet of any "A" District.

2. Privately operated Country Clubs, golf courses, swimming clubs, riding stables, and similar recreation uses provided that any principal accessory building in connection therewith shall be located not less than 200 feet from any lot in an "A" District.

Permitted Accessory Uses.

1. Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.
2. Private garages or parking areas.
3. Living quarters of persons employed on the premises.
4. Permitted customary incidental home occupations such as handicraft, dressmaking, millinery and preserving, or similar activity carried on solely by resident occupants within their residence, subject to the following provisions:
 - a. No more than one room shall be used for such purposes by any resident family;
 - b. No such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily in dwellings;
 - c. Nothing is sold or offered for sale that has not been produced on the premises;
 - d. No display of goods or services pertaining to such shall be visible from the street or road.
5. Signs, as regulated by 7-9-11.

Height Regulations. No principal structure shall exceed fifty feet (50') in height, and no accessory structure shall exceed fifteen feet (15') in height, except as provided in Section 5.

7-10-10 MOBILE HOME PARKS.

Purpose. It is the intent of this section to provide regulations for the establishment, maintenance, and operation of mobile home parks in the City.

Pre-existing Mobile Home Parks.

A pre-existing mobile home park shall not be deemed non-conforming by reason of failure to meet the minimum requirements prescribed by this section, provided that the regulations of this section shall apply to the enlargement or expansion of a mobile home park, and provided that the pre-existing mobile home park on a site less than ten acres shall not be further reduced in area.

Mobile home Occupancy.

No mobile home shall be occupied or used for living or sleeping purposes unless it is located in a Mobile Home Park, or in an approved Independent Mobile Home Subdivision or Travel Trailer Park.

Criteria.

Before granting a conditional use permit for a mobile home park, the Board of Adjustments shall make the following determination:

1. That the Mobile Home Park will be located on a street or streets affording adequate access for the transportation of mobile homes into and out of the mobile home park without undue inconvenience or interference with normal vehicular traffic and circulation in the neighborhood;

2. That the mobile home park will be located and developed in a manner that permits adequate circulation to and within the proposed development for emergency and protective services, including police and fire equipment.

Site Standards.

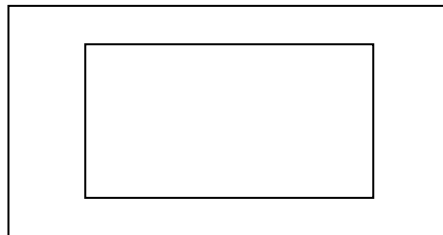
The following regulations shall apply to the site of a mobile home park. Additional regulations may be specified as conditions of a use permit.

1. Minimum Site area: Five Acres.
2. Minimum Site Area Per Unit: Seven units per net acre.
3. Minimum Yards: Twenty-five feet adjoining a street; fifteen feet adjoining an interior lot line.
4. Maximum Height: Twenty feet.
5. Perimeter Roads: Shall be required subject to city staff approval. This requirement can be waived by the City Council provided approved alternatives are offered.

Interior Site Development.

The following requirements shall apply to development of mobile homes spaces and to facilities within a mobile home park. Additional requirements may be specified as conditions of a use permit:

1. **Mobile Home Space.** Each space shall contain a minimum of five thousand five hundred square feet for exclusive use by the occupants of the space. Each space shall be at least 55 feet wide abutting a private or public street. Each space shall have minimum dimensions of fifty-five feet by one hundred feet.



STANDARD LOT SIZE:

5' SIDE AND 10' FRONT AND REAR YARDS

2. **Mobile Home Placement.** Every space shall have a front and rear yard of not less than ten (10) feet in depth. All spaces shall have a minimum five foot side yard on each side of the lot. A mobile home and related structures shall not occupy more than sixty percent (60%) of the area of any mobile home space.
3. **Access Drives.** All mobile home access drives within a mobile home park shall be privately owned, and shall be at least 30 feet wide, exclusive of adjoining parking areas.
4. **Sidewalks.** Sidewalks shall be at least 3 feet in width.
5. **Landscaping.** Not less than twenty percent (20%) of each mobile home space shall be landscaped with live plant materials, including at least one tree on each space.

6. Screening and Landscaping.

a. Where a sight adjoins a single family dwelling zone, or a site that is generally planned for low density single family use, a solid masonry wall six feet in height shall be located adjoining the property line, except adjoining a required front yard; and an area at least five feet in depth adjoining the property line shall be landscaped with live plant materials, including trees. Where a carport or garage is placed within five feet of a property line adjoining a single family use, no landscape buffer is required.

b. All areas to be used for the outdoor hanging and drying of laundry shall be screened from view;

c. Required yards shall be landscaped in accord with a site development plan, to be approved as part of the use permit, and screening shall be provided around the entire site, except that where a required yard adjoins a street, screening shall be located at the rear of the required yard.

7. Electrical and Telephone Services. All electrical, telephone, CATV, and similar service wires or cables, which provide direct service to the property being developed shall, within the exterior boundary lines of such property, be installed underground.

Risers on poles and buildings are permitted, and shall be provided by the developer or owner onto the pole which provides service to said property. Utility service poles may be placed on the rear of the property to be developed, only for the purpose of terminating underground facilities. The developer or owner is responsible for complying with the requirements of this section and shall make the necessary arrangements for the installation of such facilities.

For the purpose of this subsection, appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground.

Community Recreation.

1. **Open Space.** A minimum of 270 square feet per mobile home space of recreation area, exclusive of any mobile home space, shall be provided within the mobile home park for recreational and leisure activities. Open space may include a recreation building, outdoor or indoor game courts, putting greens, golf courses, swimming pools and spas, tennis courts, maintained greenbelts, and other similar facilities.
2. **Demonstration of Recreation Areas.** The community recreation and service area, as aforesaid, together with the activities planned thereon, shall be shown on the plans for development from time to time. The location and size of all facilities indicated in this paragraph shall be subject to the approval of the Planning and Zoning Commission and City Council.
3. **Membership fees.** Nothing contained in this subsection shall be construed as limiting the ability of an owner or owners of community recreational facilities of imposing membership and/or maintenance fees for the use of such facilities.
4. **Accessory Buildings and Uses.** Accessory buildings and uses serving the entire mobile home park, including recreational facilities, laundry areas, mobile home park offices, maintenance, and storage areas shall be located at least fifty feet from the boundary of the mobile home park.

Improvement Requirements.

On-site improvements shall be constructed and maintained in conformance with mobile home park improvement standards, approved by the City Planning and Zoning Commission and City Council. Such standards may include, but shall not be limited to the design, construction, and maintenance of the following:

1. Access drives, sidewalks, and parking spaces;
2. Walls and fences;
3. Lighting;

4. Curb and gutter, drainage, and sanitary sewer facilities;
5. Electrical and water services;
6. Fire protection;
7. Refuse collection facilities.

7-10-11 SIGNS.

Standard of Measurement.

1. The total area of all signs permitted on a lot shall include:
 - a. The total area of the faces visible from a public way of all permanent exterior signs, plus
 - b. The area of permanent signs placed upon the surface of windows and doors, plus
 - c. The area within the outline enclosing the lettering, modeling, or insignia of signs integral with the wall, and not designed as a panel.
2. A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

Signs Permitted in the Agricultural District.

1. Signs not exceeding four square feet in area indicating the type of plant or type of fertilizer being used.
2. Signs not exceeding 20 square feet in area pertaining to a permitted recreation use or areas of scenic beauty, provided such signs shall be set back at least 10 feet from any right-of-way, and there shall be a distance of 300 feet between any such signs.
3. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than ten square feet in area, and set back at least ten feet from the right-of-way of a street, highway or road.
4. Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than 12 square feet, set back 4 feet from the right-of-way of any highway, street or road.
5. Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area set back at least 4 feet from the right-of-way of any highway, street or road, may be erected in connection with any of the permitted principal use of non-residential nature.
6. No billboard, signboard or similar advertisement signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

Signs Permitted in All Residential Districts.

1. Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than six square feet, set back 5 feet from the right-of-way of any highway, street or road.
2. A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate of 50 square feet in area except as may be authorized by the Board of Adjustment.
3. Small announcement sign or bulletin board not over 18 square feet in area, with a set back at least 20 feet from the right-of-way of any highway, street or road, may be erected in connection with any of the permitted principal use of non-residential nature.
4. One nameplate not exceeding four square feet for each dwelling.

Signs Permitted in Commercial Districts.

1. Signs as permitted and regulated in all Residential Districts, except as hereinafter modified.
2. The total area of all signs permitted on any one lot shall not exceed two times the number of linear feet the lot abuts on the street.
3. Projecting signs at least 8 feet above the sidewalk and extending no further than five feet from the building to which it is attached.
4. Billboard and signboards subject to the same height and location requirements as other structures in the Commercial District, and also subject to the following conditions and restrictions:
 - a. No billboard, signboard, or similar advertising signs shall be located at intersections, so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a Residential District.
 - c. No billboard or signboard shall exceed 300 square feet in area.
 - d. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
5. Elevated signs at least five feet from any lot line.
6. Projecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.

Signs Permitted in the Industrial Districts.

1. Signs as permitted and regulated in Commercial Districts.

7-10-12 ZONING ADMINISTRATION.

Zoning and Planning Commission Appointments. In order to avail itself of the powers conferred by this Ordinance, the City Council shall appoint a commission, to be known as the Zoning Commission, to recommend the boundaries of the various original districts, and appropriate regulations and restrictions to be enforced therein. Where a City Planning Commission already exists, it may be appointed as the Zoning Commission.

Powers and Duties. The Zoning Commission shall:

1. Prepare zoning reports as requested by the City Council.
2. Advise the Zoning Administrator in enforcing the Ordinance.
3. Recommend to the City Council amendments, supplements, changes, or modifications.
4. Hold public hearings as prescribed by this Ordinance.
5. Insure coordination of public and private development activities.
6. Provide and maintain public information services relative to all matters arising out of the Ordinance.
7. Maintain a regular meeting schedule.

Appointment of Zoning Administrator. The Zoning administrator shall be appointed by the City Council. It shall be the duty of the Zoning Administrator to enforce this Ordinance. All departments, officials, and public employees of the City of

Keosauqua, Iowa vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Ordinance, and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of the Ordinance shall be null and void.

Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce the Ordinance, and in addition thereto, and the furtherance of said authority shall:

1. Receive all applications for permits required by this Ordinance and take action on the application.
2. Investigate all appropriate facts and conditions of the application, and upon positive analysis, shall issue all zoning certificates and maintain record thereof.
3. Issue all occupancy permits and make and maintain records thereof.
4. Ensure inspection of buildings, structures, and use of land to determine compliance with the terms of the Ordinance.
5. Maintain permanent and current records of the Ordinance, including, but not limited to, all maps, amendments, uses on review, variances, etc.
6. Provide and maintain a public information service relative to all matters arising out of the Ordinance.
7. Forward to the City Council and Zoning Commission all applications for amendments to the Ordinance.
8. Transmit to the Board of Adjustment applications for appeals, variances uses on review, or other matters on which the Board of Adjustment is required to pass under the Ordinance.
9. Initiate, direct, and review, from time to time, a study of the provisions of the Ordinance, and make reports of recommendations to the Zoning Commission, Board of Adjustment, or City Council.

Filing Plans. Every application of a Zoning Clearance Permit shall be filed with the Zoning Administrator, accompanied by plans in duplicate, drawn to scale on the form, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact locations, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure, or proposed alteration of an existing building or structure, as would substantially alter its appearance, drawings or sketches showing the front side, and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed. The existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the locations of the present used and proposed use to be made of the lot, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance.

One copy of such application and plans shall be returned to the applicant when such plans have been approved by the Zoning Administrator, together with such Zoning Clearance permit as may be granted. All dimensions shown on these plans relative to the location and size of the lot to be built upon, shall be based on actual survey. The lot and the location of the building hereon, shall be staked out on the ground before construction is started.

Certificate of Approval. In every case where the lot is not provided with the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by Certificate of Approval by the Zoning Administrator of the proposed method of disposal of sanitary wastes, and proof of conformance to State and Federal public health and water pollution codes.

Zoning Clearance Permit. It shall be unlawful for any owner, leasee, or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted, or enlarged, until a certificate of occupancy shall have been issued by the Zoning Administrator after inspection. Such Certificate of Occupancy shall show and certify that such building, structure, or premises has been constructed, altered, or improved in compliance with the provisions of the Ordinance, and all other applicable codes or Ordinances, and all conditions and requirements, if any, stipulated by the Board of Adjustment or other proper authority.

Building Plan Required – Fee. All applications for Zoning Clearance permits shall be accompanied by a plat drawn to scale, showing the actual dimensions of the lots to be built upon, the size and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations.

Demolition Permit Required. It shall be unlawful for any structure or other improvements on real property within City limits to be demolished until a Demolition Permit is issued by the Zoning Administrator. Every application for a Demolition Permit shall be filed with the Zoning Administrator and be accompanied by plans and specifications as to the proposed method of demolition. The Demolition Permit Application is available at Keosauqua City Hall.

Availability of Permit. All permits shall be available for inspection at the construction site.

Certificate of Occupancy. The City reserves the right to make unlawful for any owner, leasee, or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted, or enlarged, until a certificate of occupancy shall have been issued by the Zoning Administrator after inspection. Such Certificate of Occupancy shall show and certify that such building, structure or premise has been constructed, altered, or improved in compliance with the provisions of the Ordinance, and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Board of Adjustment or other proper authority.

Administrator to Act Within 30 Days. The Zoning Administrator shall act upon all such applications on which he is authorized to act by the provisions of this Ordinance, within thirty (30) days after they are filed in full compliance, with all the applicable requirements. He shall either issue a Zoning Clearance Permit within said 30 days, or shall notify the applicant in writing of the refusal to such Certificate, and the reasons therefore. Failure to notify the applicant in case of such a refusal within said 30 days shall entitle the applicant to a Zoning Clearance Permit unless the applicant consents to an extension of time.

Records of the Zoning Administrator. The Zoning Administrator shall keep accurate records pertaining to actions necessary to carry out the duties of this Ordinance. These records shall be on file for public inspection.

7-10-13 BOARD OF ADJUSTMENT CREATED.

Creation, Membership, and Procedure. A Board of Adjustment consisting of five members, which are appointed by the City Council, as provided by Chapter 414.8 of the Code of Iowa, is hereby created. Members of a five member board shall be appointed for a term of five years, excepting that when the board shall first be created, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. The board shall elect a chairman from its membership, and appoint a secretary. A majority of the members of the Board of Adjustment shall be persons representing the public at large, and shall not be involved in the business of purchasing or selling real estate. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant. The appropriate appointing authority may remove any member of the Board of Adjustment for cause, and after public hearing.

1. **Organization.** The board shall elect its own officers and shall have the power to adopt rules and regulations for its own governments, not inconsistent with law or with the provisions of this Ordinance, or any other Ordinances of the City. Meetings shall be held at the call of the Chairperson, and at such other times as the Board may determine. In the absence of the Chairperson, the acting Chairperson may administer oaths and compel attendance of witnesses.
2. **Meetings.** Meetings of the board shall be open to the public, minutes shall be kept of the proceedings, showing the action of the board and the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and records shall be made of the board's examination and other official action, all of which shall be filed immediately in the office of the board, as a public record.
3. **Quorums.** Three members of a five member board shall constitute a quorum, and four members of a seven member board shall constitute a quorum. The board shall act by resolution, and the concurring votes of three members of a five member board, and four members of a seven member board shall be necessary to reverse any order, requirements, decision or determination of the Building Inspector, or to decide in favor of an applicant,

any matter upon which it is required to pass under the Ordinance, or to effect variation in the requirements of this Ordinance.

4. **Assisting Board.** The board may call on the city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the board as may be reasonably required.

Applications and Appeals.

1. **Applications.** An application to the board, in cases in which it has original jurisdiction, under the provisions of this Ordinance, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the Zoning Administrator, together with a fee of (\$25.00) who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application to the board. Should the applications be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
2. **Appeals.** An appeal to the board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau affected by any ruling of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as prescribed by the rules of the board, by filing with the Zoning Administrator a notice or appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board, such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. Should the appeal be withdrawn prior to publication of legal notice thereon, such fee will be returned upon written request of the applicant.
3. **Hearings.** The board shall fix a reasonable time for the hearing of an application or of an appeal. It shall give prior notice of not less than seven (7) nor more than twenty (20) days of the time and place of such hearing by insertion in a newspaper published in the community, and shall also give notice delivered by first class mail at least five days before the time fixed for such hearing to the applicant or appellant and to the Zoning Administrator, and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent or attorney. The board shall decide the application or appeal within a reasonable time.
4. **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the board, that by reason of stated facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by order which may, on due cause shown, be granted by the board on application, after notice to the Zoning Administrator or by court of record.

Powers of the Board. The board shall have jurisdiction in matters and shall have the specific and general powers provided in this Ordinance and by the Code of Iowa.

1. **Special Exceptions and Interpretation of Map.** The board shall have the power to hear and decide, in accordance with the provisions of the regulation, requests or applications for special questions upon which the board is authorized to pass.
2. **Special Exceptions.** In addition to permitting the special exceptions heretofore specified in this Ordinance, the board shall have authority to permit the following:
 - a. **Non Conforming Uses.** The substitution for a non-conforming use, another non-conforming use, if no structural alterations except those required by law, are made; provided, however, that any use so substituted shall be of the same or a more restricted classification.
 - b. **Temporary Use Permits.**
 1. The temporary use of a building or premises in any district for a purpose of use that does not conform to the standards prescribed by the regulations, provided that such use be of a true temporary nature, and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permits for not more than a 12 month period, subject to conditions as will safeguard the public health, safety, convenience, and general welfare.

2. The temporary use of a building or premises in undeveloped sections, for a purpose that does not conform to the standards prescribed by the regulations, provided that such structure or use is of a true temporary nature, is promotive of or incidental to the development of such undeveloped sections, and does not involve the erection of substantial buildings. Such permit shall be granted in the form specified under subsection 2(a) above.
- c. Interpretation of Map. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the zoning map, the board, after notice to the owners of the property, and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of the regulations for the particular section or district in question.
- d. Certain Industries in "Industrial" Districts. In determining whether certain uses shall be located in the "Industrial" District, the board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust, and dirt, cinders, noxious gases, glare and heat fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and physiological effect. The board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use to assist in reaching a fair and objective decision. Upon authorizing a special use and/or exception, the board may impose such requirements and conditions in addition to those expressly stipulated in this report for the particular special use and/or exception as the board may deem necessary for the protection of adjacent properties and public interest.
- e. Administrative Review and Variances. The Board of Adjustment also shall have the power to:
1. Administrative Review – to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, grant or refusal made by the Zoning Administrator in the enforcement of the regulation.
 2. Variances. To authorize on appeal in specific cases such variance from the terms of the regulations as will not be contrary to the public interest, where, owing to special conditional, a literal enforcement of the provisions of the regulations will result in unnecessary hardship, and so that the spirit and purpose of the regulations shall be observed and substantial justice done as follows:
 - a. Where by reason of exception narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property in question, the literal enforcement of the provisions of the regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardships, and so that the spirit and purpose of the regulations shall be observed and substantial justice done. In authorizing a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or uses as it may deem advisable in the interest of the furtherance of the purposes of the regulations.
 - b. No such variance in the provision or requirements of the regulations shall be authorized by the board unless the board finds beyond reasonable doubt that all of the following conditions exist:
 - 1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply to other properties or class of uses in the same zoning district.
 - 2) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and vicinity.
 - 3) That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of the regulations or the public interest.

c. No grant or variance shall be authorized unless the board specifically finds the condition or situation of the specific piece of property for which the variance is sought, is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of the regulations, for such conditions or situation.

d. The board shall have no power to authorize a variance for the establishment of a non-conforming use where none previously existed.

e. In considering a request for a variance from the regulations concerning signs, the board shall give consideration and arrive at a finding on the following:

- 1) Shape and area of lot in question.
- 2) Bulk and floor area of the main building or structure.
- 3) Set-back of proposed sign from all property lines.
- 4) Zoning and use of surrounding parcels.
- 5) Unusual or exceptional topography.
- 6) Compatibility with general intent of the zoning regulations to encourage development without detracting from the use and enjoyment of surrounding property.

f. Action of Board. In exercising its powers, the board may, in conformity with the provisions of the Code of Iowa, and of the regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determinations as, in the board's opinion, ought to be made, and to that end has all the powers of the officer from whom the appeal is taken.

g. Judicial Review. All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provision of Chapter 414, Code of Iowa, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

7-9-14 PENALTY.

1. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land used in violation of the provisions of the regulations, the City Attorney, in addition to other remedies under the Code of Iowa, is hereby authorized to institute in action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, repair, conversion, maintenance or use.
2. Any person, firm, or corporation who violated, disobeys, omits, neglects, or refuses to comply with any of the provisions of the regulations shall, upon conviction, be fined \$100.00 for each offense. Each day that a violation continues shall constitute a separate offense, and the City Attorney is hereby authorized to prosecute all violations referred to in Subsection 19.1 of Penalties.

7-10-15 SEVERABILITY. This Ordinance and the various parts, articles, and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence, or phrase of this Ordinance is adjudged unconstitutional or invalid by any court or competent jurisdictions, the remainder of the Ordinance shall not be affected thereby.

[Ord 154]

7-10-16 HANDICAP ACCESSIBILITY POLICY

Section 1. Exception to Ordinance. The requirements of this Ordinance shall not be applicable to:

- A. Structures deemed historical (appropriate for historical preservation, of historical import, or of such construction as to make unreasonable or non-practical to undertake construction or modification to attempt compliance, to some degree, with this ordinance.
- B. Minor remodel of structures, without change to the structural footprint.
- C. Single Family residences.

- D. Family residential residences with a single attached rental apartment, where the owner of the main residence, resides, on premises.
- E. Commercial residential rental space.
- F. New Multi-Family housing rental space.
- G. Structures otherwise regulated and subjected to standard paralleling, or pre-empting this ordinance, such as structures regulated and inspected for Section 202 Housing compliance, or H.U.D. Section 8 Rent Subsidy qualification, if such structure similarly is required to accommodate disability.

Section 2. Applicability of Ordinance. The requirement of this Ordinance shall be understood to extend to:

- A. New construction of the following:
 - 1. Commercial Buildings
 - 2. Commercial retail establishments
 - 3. Commercial rental space
- B. Substantial Remodel (Renovation enlarging, changing, altering structural footprint) of the following:
 - 1. Commercial Buildings
 - 2. Commercial retail establishments
 - 3. Commercial rental space
- C. Facilities, by design, intended to accommodate disability, or afford space altered with that intent to afford living areas useful to challenged and disabled persons, within the meaning of the Federal Fair Housing Act, A.D.A., and Iowa Code Section 414.22 (i.e. family home facility for injured persons or disabled developmentally within definition of ICA 414.22(a) and (b), who reside under documentation per ICA 135C.23.
- D. Procedural Note: Facilities, or sites in question, shall first be assessed as to its coverage under the language of this Ordinance. Provided no exception or pre-emption exists then the project proposed shall be evaluated for Ordinance compliance.

1. **Review Criteria:** Compliance is to be considered in each submission by review of the project proposed in its entirety, recognizing that the ordinance requirements should balance accommodation with reasonableness.

Section 3. Access Requirements. Access onto covered premises shall demonstrate accommodation for the following:

- A. Wheel chair functionality
- B. Surface texture of walks, sidewalks, ramps, expansion joints. (non-slip, non-trip)
- C. Curb ramp functionality, coarse area to assist with surface level changes during movement through ramp.
- D. Adequate width of walkway (wheelchair).
- E. Adequate width of access entry, gates, door(s), swing bars/counter bars, (wheelchair, walker).
- F. Reference to Graphic Design Standards for assistance (See Plate #102).

Section 4. Lavatory, Toilet configuration. Facilities covered by this ordinance shall demonstrate accommodation for the following:

- A. Lavatory door width appropriate for wheel chair access.
- B. Appropriate space and toilet layout to facilitate wheel chair and/or walker use.

C. Reference to Graphic Design Standards for assistance (See Plate #471).

D. Appropriate consideration for wheel chair accessibility to all other bathroom fixtures (i.e. sink, cabinet(s), grab bar(s), aid rails, straddle bars).

E. Reference to Graphic Design Standards for assistance (See Plate #489).

Section 5. General Functionality and Accommodation. Facilities covered by this Ordinance shall demonstrate consideration for handicapped users in the determination of:

A. Convenient location of light fixtures.

B. Height and location of light switches, control switches and/or knobs, and electrical outlets.

TITLE VII - SPECIAL ORDINANCES

CHAPTER 11 FENCES

7-11-1 Purpose	7-11-7 Rear Yards
7-11-2 Permit Required	7-11-8 Barbed Wire and Electric Fences
7-11-3 Heights	7-11-9 Adjoining Agricultural Areas
7-11-4 Corner Lots	7-11-10 Ordinance Name
7-11-5 Front Yards	7-11-11 Repealer
7-11-6 Side Yards	7-11-12 Severability

7-11-1 PURPOSE. The purpose of this Ordinance is to provide for the erection and construction of fences in residential districts.

7-11-2 PERMIT REQUIRED. A building permit for the construction or placement of any fence shall be required prior to construction of the same.

7-11-3 HEIGHTS. No fence shall be higher than six (6) feet off the ground level in any residential zone.

7-11-4 CORNER LOTS. No fence greater than 10% solid or any other obstructions which are higher than 18 inches above the curb level shall be erected which is located in any portion of the front or side yard area within 20 feet of the lot corner formed by the intersection of any two street lines. A corner lot may have two front yards.

7-11-5 FRONT YARDS. No fence shall be constructed on or over the property line nor between the 25 foot front yard set-back and the front property line that exceeds four feet in height.

7-11-6 SIDE YARDS. No fence shall be constructed on or over the property line. No fence shall exceed six feet in height.

7-11-7 REAR YARDS. No fence shall be constructed:

1. Within 3 feet of the property line when abutting an alley.
2. On or over the property line when properties abut.
3. Within one foot of any easement (utility, etc).
4. No fence shall exceed 6 feet in height.

7-11-8 BARBED WIRE AND ELECTRIC FENCES. No barbed wire or electric fences shall be permitted in residential districts except for the enclosure of livestock operations:

1. No electric fence shall carry a charge greater than 25 milli-amperes, nor a pulsating current longer than 1/10 of a second in a one second cycle. All electric fence chargers shall carry the seal of an approved testing laboratory.

2. Barbed wire and electric fences shall be prohibited within 25 feet of a public sidewalk or within 4 feet of the street right of way line where a public sidewalk does not exist.

7-11-9 ADJOINING AGRICULTURAL GROUND. Where residential areas meet agricultural areas within the City limits, the abutting residential property owner shall not be required to jointly maintain a fence that is for the agricultural area.

7-11-10 ORDINANCE NAME. This Ordinance shall be identified as “Fences in Residential Districts – Generally”, and shall be identified as Chapter 10 of the Special Ordinances Section in the Keosauqua Code.

7-11-11 REPEALER. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed, there are NONE.

7-11-12 SEVERABILITY CLAUSE. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any part, section or provision thereof not adjudged invalid or unconstitutional.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 12 LOCAL OPTION SALES TAX

7-12-1 Purpose	7-12-2 Use of Tax
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7-12-1 Purpose. This Ordinance shall impose a tax within the City of Keosauqua, Iowa of 1 percent upon local sales and services, and providing that revenue shall be derived and allocated in accordance with Chapter 422B of the *Code of Iowa*.

7-12-2 Use of Tax. A tax at the rate of 1 percent shall be imposed in conformance with Chapter 422B of the *Code of Iowa* upon local sales and services of the City of Keosauqua, Iowa as follows:

100% of said local option sales and service tax to be allocated for property tax relief.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 13 STREET RENAMING

7-13-1 Purpose	7-13-4 Repealer
7-13-2 Location of Public Streets	7-13-5 Severability Clause
7-13-3 Recording	7-13-6 When Effective

[ORD. 103]

AN ORDINANCE PROVIDING FOR THE RENAMING OF CERTAIN PUBLIC STREETS WITHIN THE CITY LIMITS OF CITY OF KEOSAUQUA, IOWA:

Be It Enacted by the Council of the City of Keosauqua, Iowa.

7-13-1 Purpose The purpose of this Ordinance is to allow and provide for the continued improvements and maintenance of certain public streets located within the city limits of Keosauqua, Iowa.

7-13-2 Location of Public Streets. The public streets concerned with this Ordinance are as follows:

- a. The currently platted Water Street running from Mill Lot to the East Corporate City limits, and located between Blocks 9, 12, 13, 15 and 16 and the Des Moines River located in Des Moines City Addition is hereby named River Street.
- b. The currently platted Des Moines Street running from the Des Moines River to Harrison Street as platted, and being between block 8 and 9, and blocks 3 and 4 in Pleasant Hill Addition is hereby named Lacey Street.
- c. The currently platted Ridge Road as shown in Final Plat of Des Moines City Subdivision recorded in Misc. Rec. 36, page 756 and as corrected in Affidavit of Land Surveyor recorded in Aff. Rec. 10, page 1017, is hereby named Timber Ridge Road.

7-13-3 Recording. The City Clerk is hereby directed to indicate such names on maps of the City and to record this Ordinance with the County Recorder and inform the County Auditor, Assessor, and U.S. Postal Service of the above name changes.

7-13-4 Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

7-13-5 Severability Clause. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

7-13-6 When Effective. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED THIS 12 DAY OF AUGUST, 2003 AND APPROVED THIS 12 DAY OF AUGUST, 2003

Barbara Morris, Mayor Pro-tem
Attest: Jacki Gunn, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 14 ZONING MAP AMENDMENTS

[ORD. 105]

SECTION 1. The purpose of this Ordinance is to provide a zoning map change as provided in Chapter 414 of the Code of Iowa, to the Keosauqua Zoning Map and Ordinance.

SECTION 2. This Section hereby certifies that pursuant to Title VII, Chapter 9 ZONING Section 7-9-4 of the Municipal Code of the City of Keosauqua, that the Keosauqua Zoning Commission held a Public Hearing on February 9, 2004 and approved the requested zoning change from Residential to Commercial for the property within the City limits of the City of Keosauqua otherwise described as:

The western-most one and one-half (1 1/2) acres of the following described property: Parcel "D" in the Southeast Quarter of Section Twenty-six (26), Township Sixty-nine (69) North, Range Ten (10) West of the 5th PM, Van Buren County, Iowa, containing 7.50 acres of which 0.74 acres is road right-of-way as shown in Plat of Survey recorded in Deed Record 122 at page 728.

SECTION 3. Be it ordained by the City Council of the City of Keosauqua, Iowa, that the current zoning map be amended to reflect the following change: That the above-described parcel within the City limits of the City of Keosauqua, Iowa, be re-zoned from Residential Zone to a Commercial Zone and, reflect such changes on the Official Zoning Map for the City of Keosauqua.

SECTION 4. Attachment. A copy of the Official Zoning Map shall be attached and the approved change in zoning shall be highlighted on the Attachment and shall accompany this Ordinance for verification of zoning change.

SECTION 5. Severability. If any part or section of this Ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 6. All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

Passed this 9th day of March, 2004, and approved this 9th day of March, 2004.

Barbara Morris, Mayor Pro-Tem

Attest: Jacki Gunn, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 15 ZONING MAP AMENDMENTS

[ORD. 111]

SECTION 1. The purpose of this Ordinance is to provide a zoning map change as provided in Chapter 414 of the Code of Iowa, to the Keosauqua Zoning Map and Ordinance.

SECTION 2. This Section hereby certifies that pursuant to Title VII, Chapter 10 ZONING Section 7-10-4 of the Municipal Code of the City of Keosauqua, that the Keosauqua Zoning Commission held a Public Hearing on June 9, 2005 and approved the requested zoning change from Residential to Commercial for the property within the City limits of the City of Keosauqua otherwise described as:

NW 100' Lot 4, Block 98, Second Addition, more commonly known as 710 Franklin Street.

SECTION 3. Be it ordained by the City Council of the City of Keosauqua, Iowa, that the current zoning map be amended to reflect the following change: That the above-described parcel within the City limits of the City of Keosauqua, Iowa, be re-zoned from Residential Zone to a Commercial Zone and, reflect such changes on the Official Zoning Map for the City of Keosauqua.

SECTION 4. Attachment. A copy of the Official Zoning Map shall be attached and the approved change in zoning shall be highlighted on the Attachment and shall accompany this Ordinance for verification of zoning change.

SECTION 5. This zoning change is conditioned on and subject to the restrictions agreed upon by the City Council and Barker Company Ltd. To wit:

A ten' (10) foot set back from the lot line on the east side of the new building. The building will have a brick exterior. The trees on the east lot line may stay or may be removed; however, if they are removed the area must be landscaped with trees or shrubs. There will not be any implements or equipment not designed for on road use, pallets, preproduction materials or post production waste stored on the lot. The parking area and drive way access will generally correspond with the lot plans presented to the council, as shown in Exhibit A.

SECTION 6. Severability. If any part or section of this Ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 7. Repealer. All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

Passed this 9th day of August, 2005, and approved this 9th day of August, 2005.

Kevin Hranicka, Mayor

Attest: Jacki Gunn, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 16 ZONING MAP AMENDMENTS

[ORD. 113]

SECTION 1. The purpose of this Ordinance is to provide a zoning map change as provided in Chapter 414 of the Code of Iowa, to the Keosauqua Zoning Map and Ordinance.

SECTION 2. This Section hereby certifies that pursuant to Title VII, Chapter 10 ZONING Section 7-10-4 of the Municipal Code of the City of Keosauqua, that the Keosauqua Zoning Commission held a Public Hearing on June 13, 2006 and approved the requested zoning change from Residential to Commercial for the property within the City limits of the City of Keosauqua otherwise described as:

Beginning at corner No. 3 of U.S. Nursery Land, which is an iron stake set in cement and located 1068.6 feet West and 1562.5 feet North of the Southeast corner of Section 36, Township 69, North Range 10 West; thence East 80 feet; thence North 0 degrees 15 min. West 610.4 feet to the place of beginning, containing 1.12 acres, more or less in the town of Keosauqua, Van Buren County, Iowa more commonly known as 511 Hilltop Road.

SECTION 3. Be it ordained by the City Council of the City of Keosauqua, Iowa, that the current zoning map be amended to reflect the following change: That the above-described parcel within the City limits of the City of Keosauqua, Iowa, be re-zoned from Residential Zone to a Commercial Zone and, reflect such changes on the Official Zoning Map for the City of Keosauqua.

SECTION 4. Attachment. A copy of the Official Zoning Map shall be attached and the approved change in zoning shall be highlighted on the Attachment and shall accompany this Ordinance for verification of zoning change.

SECTION 5. Severability. If any part or section of this Ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 6. Repealer. All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

Passed this 12th day of September, 2006, and approved this 12th day of September, 2006.

Kevin Hranicka, Mayor

Attest: Jacki Gunn, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 17 ZONING MAP AMENDMENTS

[Ord 150]

Be It Enacted by the City Council of the City of Keosauqua, Iowa

SECTION 1. The purpose of this Ordinance is to provide a zoning map change as provided in Chapter 414 of the Code of Iowa, to the Keosauqua Zoning Map and Ordinance.

Section 2. This Section hereby certifies that pursuant to Title VII, Chapter 10 Zoning Section 7-10-4 of the Municipal Code of the City of Keosauqua, that the Keosauqua Zoning Commission held a Public Hearing on March 20, 2015 and considered the requested zoning change from Residential to Commercial for the property within the City limits of the City of Keosauqua otherwise described as:

Lots 3, 4 and 5 in Block 83, Town of Keosauqua, Van Buren County, Iowa

SECTION 3. Be it Ordained by the City Council of the City of Keosauqua, Iowa, that the current zoning map be amended to reflect the following change: That the above-described parcel within the City limits of the City of Keosauqua, Iowa, be re-zoned from Residential Zone to a Commercial Zone and, reflect such changes on the Official Zoning Map of the City of Keosauqua.

SECTION 4. Attachment. A copy of the Official Zoning Map shall be attached and the approved change in zoning shall be highlighted on the Attachment and shall accompany this Ordinance for verification of zoning change.

SECTION 5. Severability. If any part or section of this ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 6. Repealer. All Ordinances or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

Passed this 12th day of May 2015 and approved this 12th day of May 2015.

Nasseem Hesler, Mayor

Attest: Linda Mott, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 18 ZONING MAP AMENDMENTS

[Ord 152]

Be It Enacted by the City Council of the City of Keosauqua, Iowa

SECTION 1. The purpose of this Ordinance is to provide a zoning map change as provided in Chapter 414 of the Code of Iowa, to the Keosauqua Zoning Map and Ordinance.

Section 2. This Section hereby certifies that pursuant to Title VII, Chapter 10 Zoning Section 7-10-4 of the Municipal Code of the City of Keosauqua, that the Keosauqua Zoning Commission held a Public Hearing on May 5, 2015 and considered the requested zoning change from Residential to Commercial for the property within the City limits of the City of Keosauqua otherwise described as:

PARCEL 'D' in the Southeast Quarter of the Southeast Quarter of Section 26, Township 69 North, Range 10 West of the 5th P.M., Van Buren County, Iowa, containing 7.50 Acres of which 0.74 acres is road right-of-way, as shown in Plat of Survey recorded in Deed Record 122, Page 728.

Also known and legally described as:

A parcel of land in the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 26, Township 69 North, Range 10 West of the fifth Principal Meridian, and more particularly described as follows: Commencing at the Southeast (SE) Corner of the Southeast Quarter (SE1/4) of said Section 26, thence North 90 degrees 00'00" West along the South line of Section 26 and the centerline of J40 a distance of 100.75 ft. to the Point of Beginning (P.O.B.); thence North 90 degrees 00'00" West a distance of 805.00 ft. along the centerline of J40 and the South line of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 26, thence North 00 degrees 05'36" West a distance of 405.84 ft., thence North 90 degrees 00'00" East a distance of 805.00 ft., thence South 00 degrees 05'36" East a distance of 405.84 ft. to the Point of Beginning (P.O.B). Said parcel contains 7.50 acres of which 0.74 acres is road right-of-way.

SECTION 3. Be it Ordained by the City Council of the City of Keosauqua, Iowa, that the current zoning map be amended to reflect the following change: That the above-described parcel within the City limits of the City of Keosauqua, Iowa, be re-zoned from Residential Zone to a Commercial Zone and, reflect such changes on the Official Zoning Map of the City of Keosauqua.

SECTION 4. Attachment. A copy of the Official Zoning Map shall be attached and the approved change in zoning shall be highlighted on the Attachment and shall accompany this Ordinance for verification of zoning change.

SECTION 5. Severability. If any part or section of this ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 6. Repealer. All Ordinances or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

Passed this 9th day of June 2015 and approved this 9th day of June 2015.

Nasseem Hesler, Mayor

Attest: Linda Mott, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 19 HOTEL/MOTEL TAX

[ORD. 107]

An Ordinance for the imposition of a Hotel/Motel Tax at the rate of 7% upon the gross receipts from the renting of sleeping accommodations furnished to transient guests, with or without meals, the expenditure of funds so appropriated for tourism and for park and recreation capital improvements.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEOSAUQUA, IOWA;

SECTION 1. Imposition of Tax. The City of Keosauqua, Iowa will impose a hotel and motel tax at a rate not to exceed seven percent (7%) which shall be imposed in increments on one or more full percentage points upon the gross receipts from renting of sleeping rooms, apartments or sleeping quarters in a hotel, motel, inn, bed & breakfast, bed & bath, public lodging house, rooming house, mobile home which is tangible personal property or tourist court or any place where sleeping accommodations are furnished to transient guests for rent with or without meals, all as defined in Iowa Code Section 422 A; except for sleeping rooms provided for guests of a religious institution if property is exempt under section 427.1(8) of the Iowa Code, and the purpose of renting is to provide for a religious retreat or function and not a place for transient guests generally. This tax shall only apply within the corporate boundaries of City of Keosauqua, Iowa.

SECTION 2. Use of Funds. Revenues derived from this tax shall be used as follows:

- A. Each city which levies the tax shall spend at least fifty percent of the revenues derived therefrom for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, convention, cultural, or entertainment facilities including but not limited to memorial buildings, halls and monuments, civic center convention buildings, auditoriums, coliseums, and parking areas or facilities located at those recreation, convention, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the city for those recreation, convention, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and convention business in the city.
- B. The remaining revenues may be spent by the city which levies the tax for any city or operations authorized by law as a proper purpose for the expenditure within statutory limitations of city revenues derived from ad valorem taxes.

SECTION 3. Effective Date of Ordinance and Tax Imposition. This Ordinance shall be in full force and effect from and after its final passage, approval, and publication as provided by law, voting on the question of imposition as provided by Section 422A.1 of the Code of Iowa, 2003. The tax shall be imposed beginning on the 1st day of April, 2005, following the required notice of at least 45 days to the Director of Revenue and Finance as provided by Section 422A.1 of the Code of Iowa, 2003.

SECTION 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions for this Ordinance are hereby repealed.

SECTION 5. Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed and approved this 8th day of February 2005.

Kevin Hranicka, Mayor

Attest: Jacki Gunn, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 20 RECREATIONAL LOOP TRAIL

[ORD. 115]

Be it Enacted by the City Council of the City of Keosauqua, Iowa:

PURPOSE: The purpose of this Ordinance is to regulate the use of the Keosauqua Recreational Loop Trail by establishing rules and regulations governing the trail to facilitate the enjoyment of the trail by the general public.

SECTION 1. DEFINITIONS.

1. Recreation trail shall be used and classified as trails within City Corporate limits or City owned land for: foot traffic, bicycling, cross-country skiing, rollerblading and other special usage as may be designated by permission from the City Council.
2. Motor vehicle means any vehicle which is self-propelled in any manner including but not limited to vehicles propelled by gas and/or electricity. This includes, but is not limited to: ATV's, snowmobiles, mopeds, motorized bicycles, automobiles, trucks, motorcycles and golf carts.

SECTION 2. PROHIBITED ACTS.

1. No person shall at any time, operate, park, let stand or otherwise use any motor vehicle on the Keosauqua Walking/Biking Loop Trail, (hereafter the "Trail").
2. No livestock, including horses, shall be permitted on the Trail.
3. No firearms allowed on the Trail or within the easement containing the Trail.
4. No person shall camp on any portion of the trail, or the easement containing the Trail.
5. No fires shall be built on the Trail or within the easement containing the Trail.
6. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance on the trail. All items carried in must be carried out.
7. No removal of flowers, shrubs or animals on the Trail or within the easement containing the Trail.
8. When the recreational trail utilizes an existing road for its traffic, the normal use of such road, street or highway will not be restricted by the existence of the Trail.

SECTION 3. DEVICES USED BY PHYSICALLY CHALLENGED. Motorized vehicles specially designed to assist the handicapped such as motorized wheelchairs and other similar devices used by individuals are allowed to be operated on the trail when the vehicle is being used as designed by a handicapped individual.

SECTION 4. EMERGENCY VEHICLES. Emergency vehicles including law enforcement, fire/rescue and ambulance vehicles are allowed on the trail.

SECTION 5. MAINTENANCE AND CONSTRUCTION VEHICLES. Maintenance and construction vehicles are allowed on the trails for authorized purposes.

SECTION 6. PETS. Pets must be under control and on a leash at all times. Any person having control of a pet shall be responsible for pickup and disposal, using a pooper scooper or other means, of any feces from the pet.

SECTION 7. HOURS. The trail is closed from 10:00 p.m. to 5:00 a.m.

SECTION 8. VIOLATIONS. Any person violating this Ordinance shall be subject to a fine of \$100.00.

SECTION 9. SEVERABILITY. If any part or section of this Ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 10. REPEALER. All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective after final passage and approval and publication, as provided by law.

Passed and approved this 14th day of November, 2006.

Kevin Hranicka, Mayor

Attest: Jacki Gunn, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 21 STORM WATER RETENTION AND DELAYED RELEASE

[ORD. 116]

BE IT ENACTED by the City Council of the City of Keosauqua, Van Buren County, Iowa:

SECTION 1. PURPOSE. The purpose of this Ordinance is to attempt to protect the health, safety, and welfare of the residents of the City of Keosauqua and to require retention and delayed release of storm water runoff as described in this Ordinance.

SECTION 2. DEFINITIONS. The following definitions shall be used for this Ordinance.

- a. Detention Basin – A water storage area that is normally dry but collects storm water runoff and includes an outlet for a reduced release rate of storm water runoff.
- b. Impervious Surface – A surface that is impermeable or nearly impermeable. Examples of an impervious surface are building roofs, hot mixed asphalt surfaces and Portland cement concrete surfaces. Porous concrete pavement and porous asphalt pavement shall be considered an impervious surface. Granular surfaces and sealcoated surfaces are not considered an impervious surface.
- c. Retention Basin. A water storage area that normally retains water and has additional storage capacity to collect storm water runoff and includes an outlet for a reduced release rate of storm water runoff.

SECTION 3. STORM WATER DRAINAGE SYSTEM DISTRICT. The entire city is hereby declared a storm water drainage system district for the purpose of establishing, imposing, adjusting and providing for the health, safety and welfare of the residents of the City of Keosauqua. As additional areas are annexed to the City they shall immediately be included in the storm water drainage system.

SECTION 4. Development Permit. No development permit shall be issued for a structure or impervious surface encompassing 6500 square feet or more for the development of an area 1.5 acres or more unless satisfactory proof has been provided to the Zoning Administrator that adequate plans are in place for the detention and reduced release rate of storm water runoff to ensure the rate of discharge of storm water for a 10-year, 24-hour storm from the developed site is no greater after development than prior to development. The development permit application submitted for affected sites shall include a topographical map revealing the location and nature of retention/detention facilities to be installed, computations for sizing of the water storage area facility and outlet and narrative of how the retention/detention facilities will ensure the post-development rate of discharge of storm water is not greater than the pre-development rate of discharge of storm water.

Square footage is determined by adding the square footage of both contiguous and non-contiguous impervious coverage areas together to measure the total square footage of impervious coverage areas on the property.

SECTION 5. REPEALER. All ordinances or parts of Ordinance in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 6. SEVERABILITY. If any part or section of this Ordinance is held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such adjudication shall not affect the validity of the remaining portion thereof.

SECTION 11. EFFECTIVE DATE. This Ordinance shall be effective after final passage and approval and publication, as provided by law.

Passed and approved this 10th day of April, 2007.

Kevin Hranicka, Mayor

Attest: Linda Mott, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 22 GREEN BELTS

[Ord 136]

BE IT ORDAINED BY THE CITY COUNCIL OF KEOSAUQUA, IOWA:

SECTION 1. Purpose. Consistent with the Comprehensive Plan of the City of Keosauqua, Iowa it is a goal of the City Council to establish and to permit and to preserve certain areas within the City of Keosauqua for use of wildlife, flora and fauna, and habitat which grows naturally and undisturbed, to the extent possible. Designating and mapping such areas and dedicating the same to enhance their natural features, such as topographical lines, meadows, brushy cover, streams, significant vegetation and pristine and wild and undeveloped characteristics shall occur by creation of GREEN BELT ZONE(S) hereafter.

SECTION 2. Green Belt Zone Defined. There shall hereafter exist within the City of Keosauqua certain land areas, which may be publicly or privately owned, which are, by their composition and characteristics uniquely suited to nurture and support wildlife, wild birds and songbirds, wild fauna and flora; such areas may also be less well-suited for residential, commercial, agricultural, or industrial development because of topography, soil composition, natural water table consideration, flood plain status, or other natural habitat factors and consideration.

SECTION 3. Mapping of Green Belt Areas. Areas proposed as "Green Belt Areas" shall be presented to the City Council for consideration as additions and amendments to the official zoning map of the City of Keosauqua. An initial map outlining such area requested for initial "Green Belt" designation is attached to this ordinance.

SECTION 4. Exemption from Mowing and Spraying Treatments. Except as required by local, state, or federal rule or regulation for prevention of disease and control of noxious or illegal plant substances or dangerous species of flora or fauna, GREEN BELT areas are and shall hereafter be exempted from ordinance-mandated or other compulsory mowing, spraying, or treatment requirements.

SECTION 5. Preservation of Natural Features and Amenities. Existing GREEN BELT features are deemed to add value to the Community and shall be preserved and enhanced. Topography should be protected from development, absent showing of good cause for alteration. Existing vegetation should be retained as much as possible. Construction on sites adjacent to GREEN BELT zones should be planned to avoid disturbance of wildlife and natural growth as much as possible. Water courses, vistas, wetland areas, meadowlands, natural landmarks, historically significant natural formations of stone or topography, should be left undisturbed absent showing of good cause for alteration. Trees and brush and cover growth comprising habitat shall be retained and preserved. To the extent possible the natural and pristine and wild quality and character of the area should receive priority in consideration of land use in those areas adjacent to Green Belt zones.

SECTION 6. Severability Clause. If any section, provisions, or parts of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole, or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

Section 7. Effective Date. This Ordinance shall be effective with final passage, approval and publication, as provided by law.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 23 ALL-TERRAIN VEHICLES

[Ord 141]

BE IT ORDAINED BY THE CITY COUNCIL OF KEOSAUQUA, IOWA:

SECTION 1. Purpose: The purpose of Title VII – Special Ordinances – Chapter 22 – All-Terrain Vehicles is to authorize the operation of all-terrain vehicles, as defined in Section 1-1-1 Definitions, on city streets within the City of Keosauqua as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa.

7-23-1 DEFINITIONS. As used in this chapter, unless the context otherwise requires, all-terrain vehicles refers to:

1. “All-terrain vehicle” (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. “All-terrain” vehicle includes off-road utility vehicles as defined in section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.
(Code of Iowa, Sec 321.1)

2. Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this chapter, but is exempt from the safety instruction and certification program requirements of Sections 321I.25 and 321I.26.

“Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321, but which contains design features that enable operation over natural terrain.

3. “Off-road utility vehicle(UTV)” means a motorized vehicle with no less than four and not more than eight non-highway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control as defined in Section 321I.1(17), Iowa Code.
(Code of Iowa, Sec. 321I.1(1))

7-23-2 GENERAL REGULATIONS. No person shall operate an all-terrain vehicle within the city limits of the City of Keosauqua, Iowa in violation of the provisions of Chapter 321I of the Code of Iowa or the provisions of this Code.

7-23-3 AUTHORIZED USES. Operators may only operate an all-terrain vehicle on city streets and alleys in compliance with all requirements set out herein and for the following purposes:

1. Snow removal via attached snowplow or blade.
2. Gardening and/or lawn work.
3. Special events authorized by the City Council.

7-23-4 EQUIPMENT. Any all-terrain vehicle shall be equipped as required by sections 321I.12 and 321I.13 of the Code of Iowa, including but not limited to: muffler, headlight, tail light and brakes.

7-23-5 OPERATION.

1. No person shall operate an all-terrain vehicle on any city street, alley or right of way that is not at least sixteen (16) years of age, does not have a valid driver’s license and does not have liability insurance.
2. Traffic Code. Any person operating an all-terrain vehicle shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.
3. Speed. No all-terrain vehicle shall be operated at a speed in excess of the lesser of twenty-five (25) miles per hour or that posted, nor shall any all-terrain vehicle be operated at a speed greater than is reasonable and proper for the existing conditions.

4. **Lights.** No all-terrain vehicle shall be operated without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

5. **Unattended All-Terrain Vehicles and Parking.** No person shall leave an all-terrain vehicle unattended on public property while the motor is running or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulations in the City.

6. **Hours of Operation.** No all-terrain vehicle shall be operated in the City of Keosauqua between the hours of 10:00 o'clock p.m. and 5:00 o'clock a.m. except for emergency situations or for loading or unloading from a transport trailer; except that all-terrain vehicles may be operated during prohibited hours to perform snow removal activities.

7-23-6 LOCATIONS.

1. **City Streets.** All-terrain vehicle operators may operate all-terrain vehicles upon streets under the jurisdiction and within the corporate limits of the City of Keosauqua for the purposes listed above. All-terrain vehicles shall not be operated upon any city street that is a primary road extension or state highway. All-terrain vehicles may cross such primary road extensions.

2. **Trails.** All-terrain vehicles shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow the use of motor vehicles.

3. **Sidewalks.** All-terrain vehicles shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities.

4. **"Parking".** All-terrain vehicles shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk unless engaged in snow removal, maintenance or landscaping activities for the abutting property.

5. **City Parks and Other Land Owned By the City of Keosauqua.** All-terrain vehicles shall not be operated in city parks or upon other city owned land unless for a special event authorized by the City Council.

6. **Private Property.** All-terrain vehicles may only be operated on private property with the express consent of the owner.

7-23-7 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an all-terrain vehicle is involved in an accident resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

7-23-8 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00).

2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two-hundred dollars (\$200.00).

3. Any person guilty of violating this ordinance three times shall be subject to a fine of three-hundred dollars (\$300.00).

4. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 3211.36 of the Code of Iowa.

SECTION 2. REPEALER CLAUSE. Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance, is hereby repealed, to the extent of said difference or inconsistency.

SECTION 3. SEVERABILITY. If any section, provision or parts of this ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in effect with final passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 9TH DAY OF JULY, 2013.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 24 VACATING STREETS

[Ord 135]

AN ORDINANCE PROVIDING FOR THE VACATION OF 150' OFF 6TH STREET TOWARDS 5TH STREET ON PUETT STREET BETWEEN BLOCKS 61 AND 62 IN THE ORIGINAL TOWN OF KEOSAUQUA, IOWA.

Be It Enacted by the Council of the City of Keosauqua,

SECTION 1. Purpose. The purpose of this ordinance is to vacate the described street and thereby relieve the City of Keosauqua, Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The Council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. The vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published and posted at least once on each block along the described street not more than twenty days nor less than four days prior to the date set for the hearing.

SECTION 3. Vacation. 150' off 6th Street towards 5th Street on Puett Street between Blocks 61 and 62 in the Original Town of Keosauqua, Iowa is declared vacated.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. There are none.

SECTION 5. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 12th day of June, 2012, and approved this 12th day of June, 2012.

Kevin Hranicka, Mayor

Attest Linda Mott, City Clerk.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 25 VACATING STREETS

[Ord 142]

AN ORDINANCE PROVIDING FOR THE VACATION OF 113.57' X 33' OF HENRY STREET STARTING AT THE INTERSECTION OF HENRY STREET AND FOURTH STREET TOWARDS BROAD STREET BETWEEN PARCELS 000760636351110 (OWENS), 000760635476100 (SALTER) AND 000760635476130 (MCCRACKEN), IN THE ORIGINAL TOWN OF KEOSAUQUA, IOWA

Be It Enacted by the Council of the City of Keosauqua,

SECTION 1. Purpose. The purpose of this ordinance is to vacate the described street and thereby relieve the City of Keosauqua, Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The Council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. The vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published and posted at least once on each block along the described street not more than twenty days nor less than four days prior to the date set for the hearing.

SECTION 3. Vacation. 113.57' x 33' of Henry Street starting at the intersection of Henry Street and Fourth Street towards Broad Street between parcels 000760636351110 (Owens), 000760635476100 (Salter) and 000760635476130 (McCracken), in the Original Town of Keosauqua, Iowa is declared vacated.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. There are none.

SECTION 5. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 8th day of April, 2014, and approved this 8th day of April, 2014.

Nasseem Hesler, Mayor

Attest Linda Mott, City Clerk.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 26 VACATING STREETS

[Ord 144]

AN ORDINANCE PROVIDING FOR THE VACATION OF ALL OF THE ALLEY IN BLOCK 44; ALL OF THE ALLEY IN BLOCK 53; ALL OF THE ALLEY IN BLOCK 54; ALL OF THE ALLEY IN BLOCK 63; HENRY STREET BEGINNING AT THE EXTENDED NORTH LINE OF THE ALLEY IN BLOCK 63 THENCE SOUTHEASTERLY TO THE EXTENDED NORTH LINE OF THE ALLEY IN BLOCK 43; CHESTNUT STREET BEGINNING AT THE SOUTH LINE OF SIXTH STREET THENCE SOUTHEASTERLY TO THE EXTENDED NORTH LINE OF THE ALLEYS IN BLOCKS 43 AND 44; FIFTH STREET BEGINNING AT THE EAST LINE OF HENRY STREET THENCE NORTHEASTERLY TO THE WEST LINE OF CHESTNUT STREET ALL IN ORIGINAL TOWN OF KEOSAUQUA, VAN BUREN COUNTY, IOWA. SUBJECT TO EASEMENTS OF RECORD.

Be It Enacted by the Council of the City of Keosauqua,

SECTION 1. Purpose. The purpose of this ordinance is to vacate the described streets and thereby relieve the City of Keosauqua, Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The Council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described streets are not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. The vacation will not deny owners of property abutting on the streets reasonable access to their property.
3. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published and posted at least once on each block along the described streets not more than twenty days or less than four days prior to the date set for the hearing.

SECTION 3. Vacation. ALL OF THE ALLEY IN BLOCK 44; ALL OF THE ALLEY IN BLOCK 53; ALL OF THE ALLEY IN BLOCK 54; ALL OF THE ALLEY IN BLOCK 63; HENRY STREET BEGINNING AT THE EXTENDED NORTH LINE OF THE ALLEY IN BLOCK 63 THENCE SOUTHEASTERLY TO THE EXTENDED NORTH LINE OF THE ALLEY IN BLOCK 43; CHESTNUT STREET BEGINNING AT THE SOUTH LINE OF SIXTH STREET THENCE SOUTHEASTERLY TO THE EXTENDED NORTH LINE OF THE ALLEYS IN BLOCKS 43 AND 44; FIFTH STREET BEGINNING AT THE EAST LINE OF HENRY STREET THENCE NORTHEASTERLY TO THE WEST LINE OF CHESTNUT STREET ALL IN ORIGINAL TOWN OF KEOSAUQUA, VAN BUREN COUNTY, IOWA. SUBJECT TO EASEMENTS OF RECORD IS DECLARED VACATED.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. There are none.

SECTION 5. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 8th day of July, 2014, and approved this 8th day of July, 2014.

Nasseem Hesler, Mayor

Attest Linda Mott, City Clerk.

TITLE VII – SPECIAL ORDINANCES

CHAPTER 27 VACATING STREETS

[Ord 149]

AN ORDINANCE PROVIDING FOR THE VACATION OF ALL OF THE ALLEY LOCATED BETWEEN LOTS 3, 4, 5, 6, 7 AND 8 IN BLOCK 83, ORIGINAL TOWN OF KEOSAUQUA, VAN BUREN COUNTY, IOWA. ALSO KNOWN AS THAT CERTAIN ALLEY NORTHWESTERLY OF SAID LOTS BOUNDED BY THE SOUTHWEST BOUNDARY LINE OF LOT 3, BLOCK 83 PRODUCED NORTHWESTERLY, THE SOUTHEAST BOUNDARY LINES OF LOTS 6, 7 AND 8, BLOCK 83, IN THE NORTHEAST BOUNDARY LINE OF LOT 5, BLOCK 83 EXTENDED NORTHWESTERLY AND THE NORTHWEST BOUNDARY LINES OF LOTS 5, 4 AND 3, BLOCK 83. SUBJECT TO RESERVATION OF COAL, OIL, GAS AND MINERALS OF EVERY KIND AND NATURE. SUBJECT TO EASEMENTS OF RECORD.

Be It Enacted by the Council of the City of Keosauqua,

SECTION 1. Purpose. The purpose of this ordinance is to vacate the described alley and thereby relieve the City of Keosauqua Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The Council of the City of Keosauqua Iowa hereby makes the following findings:

1. The described alley is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. The vacation will not deny owners of property abutting on the alley reasonable access to their property.
3. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published and posted at least once on each block along the described alley not more than twenty days nor less than four days prior to the date set for the hearing.

SECTION 3. Vacation. All of the alley located between Lots 3, 4, 5, 6, 7 and 8 in Block 83, Original Town of Keosauqua, Van Buren County, Iowa. Also known as the certain alley northwesterly of said lots bounded by the southwest boundary line of Lot 3, Block 83 produced northwesterly, the southeast boundary lines of Lots 6, 7 and 8, Block 83, in the northeast boundary line of Lot 5, Block 83 extended northwesterly and the northwest boundary lines of lots 5, 4 and 3, Block 83. Subject to reservation of coal, oil gas and minerals of every kind and nature. Subject to easements of record.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. There are none.

SECTION 5. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 12th day of May 2015, and approved this 12th day of May 2015.

Nasseem Hesler, Mayor

Attest Linda Mott, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 28 VACATING STREETS

All of the 16.5 ft. alley located between Lots 2 through 4 and Lots 5 through 7 in Block 9 of the Original Town of Pleasant Hill, now part of the City of Keosauqua, Van Buren County, Iowa, EXCEPT what lies within the right of way of Iowa State Highway 1. Subject to easements of record.

All of the 10 ft. alley located between Lots 6 and 7 in Block 9 of the Original Town of Pleasant Hill, now part of the City of Keosauqua, Van Buren County, Iowa. Subject to easements of record.

All of the 10 ft. alley located between Lots 2 and 3 in Block 9 of the Original Town of Pleasant Hill, now part of the City of Keosauqua, Van Buren County, Iowa, EXCEPT what lies within the right of way of Iowa State Highway 1. Subject to easements of record.

Be It Enacted by the Council of the City of Keosauqua,

SECTION 1. Purpose. The purpose of this ordinance is to vacate the described alley and thereby relieve the City of Keosauqua Iowa, of the responsibility for its maintenance and supervision.

SECTION 2. Facts Found. The Council of the City of Keosauqua Iowa hereby makes the following findings:

1. The described alley is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. The vacation will not deny owners of property abutting on the alley reasonable access to their property.
3. Notice of the intended vacation, including the date on which the Council will first consider the vacating ordinance, has been published and posted at least once on each block along the described alley not more than twenty days nor less than four days prior to the date set for the hearing.

SECTION 3. Vacation. All of the 16.5 ft. alley located between Lots 2 through 4 and Lots 5 through 7 in Block 9 of the Original Town of Pleasant Hill, now part of the City of Keosauqua, Van Buren County, Iowa, EXCEPT what lies within the right of way of Iowa State Highway 1. Subject to easements of record.

All of the 10 ft. alley located between Lots 6 and 7 in Block 9 of the Original Town of Pleasant Hill, now part of the City of Keosauqua, Van Buren County, Iowa. Subject to easements of record.

All of the 10 ft. alley located between Lots 2 and 3 in Block 9 of the Original Town of Pleasant Hill, now part of the City of Keosauqua, Van Buren County, Iowa, EXCEPT what lies within the right of way of Iowa State Highway 1. Subject to easements of record.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. There is none.

SECTION 5. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the Council the 9th day of June, 2015, and approved this 9th day of June 2015.

Nasseem Hesler, Mayor

Attest Linda Mott, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 29 VACATING STREETS

[Ord 164]

AN ORDINANCE PROVIDING FOR THE VACATION OF THE FORMER PLATTED STREETS AND ALLEYS LYING IN BLOCK (1) IN PLEASANT HILL, NOW A PART OF THE CITY OF KEOSAUQUA, VAN BUREN COUNTY, IOWA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate property as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described property is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting the property reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described property:

The former platted alley running Southeasterly from Water Street, also known as First Street, to Jackson Street in Block One (1) in Pleasant Hill, now a part of the City of Keosauqua, Van Buren County, Iowa.

AND

The former platted alley lying between Lots 4 and 5 in Block One (1) in Pleasant Hill, now a part of the City of Keosauqua, Van Buren County, Iowa.

AND

The northwest 10 feet of Lots 6, 7 and 8 of Block 1, Pleasant Hill Addition to Keosauqua, Iowa. Also, the northwest 25 feet of Lot 5, Block 1, Pleasant Hill Addition to Keosauqua, Iowa,

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this 12 day of March, 2019.

Larry Shipley, Mayor

ATTEST:

Katie Nichols, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 30 VACATING STREETS

[Ord 165]

AN ORDINANCE PROVIDING FOR THE VACATION OF THAT PART OF THE 10 FEET WIDE UNNAMED STREET ADJOINING LOT 20 OF MAYNE'S SUBDIVISION OF ORIGINAL BLOCKS 77, 78 & 79 AND PART OF SECTION 35, TOWNSHIP 69 NORTH, RANGE 10 WEST IN THE CITY OF KEOSAUQUA, VAN BUREN COUNTY, IOWA. SUBJECT TO EASEMENTS OF RECORD.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a portion of an alley as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the alley is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the alley reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described alley:

That part of the 10 feet wide unnamed Street adjoining Lot 20 of Mayne's Subdivision of Original Blocks 77, 78 & 79 and part of Section 35, Township 69 North, Range 10 West in the City of Keosauqua, Van Buren County, Iowa. Subject to easements of record,

subject to easements of record and franchises; and reserving to the City of Keosauqua, Iowa, or its assignees, a perpetual easement over, across and through said real estate for the construction, repair and maintenance of water, sewer and other utility lines and appurtenances.

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this _____ day of _____, 2019.

Larry Shipley, Mayor

ATTEST:

Katie Nichols, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 31 VACATING STREETS

[Ord 171]

AN ORDINANCE PROVIDING FOR THE VACATION OF HENRY STREET ADJOINING LOT 1 AND THE 20 FOOT VACATED ALLEY ADJOINING LOT 1 AND LOT 2 IN BLOCK 11, IN THE ORIGINAL TOWN OF KEOSAUQUA, EXCEPT THE SOUTHERLY 85 FEET OF HENRY STREET

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a street as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described property:

Henry Street adjoining Lot 1 and the 20 foot vacated alley adjoining Lots 1 and 2 in Block 11, in the Original Town of Keosauqua.

EXCEPT Commencing at the Southerly corner of Lot 1, Block 11 (the Easterly boundary of Henry Street), in the City of Keosauqua, thence Southwesterly on the extended Southeasterly line of said Lot 1 to the Westerly boundary of Henry Street; thence Northwesterly on the said Westerly boundary 86.15 feet; thence Northeasterly on a line parallel with the Southeasterly boundary of said Lot 1, to the Easterly boundary of Henry Street (and the Southwesterly boundary of Lot 1); thence Southeasterly along the Southwesterly boundary of said Lot 1 to the place of beginning.

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this _____ day of _____, 2020.

Kevin Hranicka, Mayor

ATTEST:

Katie Nichols, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 32 VACATING STREETS

[Ord 172]

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE STREET RUNNING BETWEEN LOT 5 IN BLOCK 49 AND LOT 8 IN BLOCK 50, BOTH IN THE TOWN OF KEOSAUQUA, IOWA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a portion of a street as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described street:

The Northwesterly 50 feet of Lucas Street between Lot 5 in Block 49 and Lot 8 in Block 50, being approximately 65 feet by 50 feet, in the town of Keosauqua, Van Buren County, Iowa.

Subject to easements of record and franchises; and reserving to the City of Keosauqua, Iowa, or its assignees, a perpetual easement over, across and through said real estate for the construction, repair and maintenance of water, sewer and other utility lines and appurtenances,

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this 24th day of March, 2021.

Kevin Hranicka, Mayor

Attest:

Missy Harward, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 33 VACATING STREETS

[Ord 175]

AN ORDINANCE PROVIDING FOR THE VACATION OF ALLEY LYING BETWEEN LOT EIGHT (8) AND LOT SIX (6), IN BLOCK FIFTY-FIVE (55) IN THE TOWN OF KEOSAUQUA, VAN BUREN COUNTY, IOWA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a portion of a street as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described street:

All that part of the alley lying between Lot Eight (8) and Lot Six (6), in Block Fifty-Five (55) in the Town of Keosauqua, Van Buren County, Iowa.

Subject to easements of record and franchises; and reserving to the City of Keosauqua, Iowa, or its assignees, a perpetual easement over, across and through said real estate for the construction, repair and maintenance of water, sewer and other utility lines and appurtenances,

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this 12th day of October, 2021.

Kevin Hranicka, Mayor

Attest:

Missy Harward, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 34 VACATING STREETS

[Ord 176]

AN ORDINANCE PROVIDING FOR THE VACATION THAT PORTION OF MULBERRY STREET LYING SOUTHEAST OF IOWA HIGHWAY 1/BROAD STREET AND ALLEY RUNNING THROUGH BLOCK 94 OF THE SECOND ADDITION TO KEOSAUQUA, VAN BUREN COUNTY, IOWA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a portion of a street as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described street:

That portion of Mulberry Street that lies Southeast of the IA 1/Broad Street ROW of the Second Addition to Keosauqua, Van Buren County, Iowa.

And

The alley running through Block 94 of the Second Addition to Keosauqua, Van Buren County, Iowa.

Subject to easements of record and franchises; and reserving to the City of Keosauqua, Iowa, or its assignees, a perpetual easement over, across and through said real estate for the construction, repair and maintenance of water, sewer and other utility lines and appurtenances,

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this 10th day of May, 2022.

Melissa Mahon, Mayor

Attest:

Missy Harward, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 35 VACATING STREETS

[Ord 177]

AN ORDINANCE PROVIDING FOR THE VACATION OF ALLEY LYING BETWEEN LOT FIVE (5) AND LOT SEVEN (7), BLOCK FIFTY-FIVE (55) IN THE TOWN OF KEOSAUQUA, VAN BUREN COUNTY, IOWA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a portion of a street as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described street:

All that part of the alley lying between Lot Five (5) and Lot Seven (7), in Block Fifty-Five (55) in the Town of Keosauqua, Van Buren County, Iowa.

Subject to easements of record and franchises; and reserving to the City of Keosauqua, Iowa, or its assignees, a perpetual easement over, across and through said real estate for the construction, repair and maintenance of water, sewer and other utility lines and appurtenances,

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Ordinance 177 – 1st & 2nd Readings Waived and Final Reading PASSED and APPROVED by the City Council this 12th day of July, 2022.

Melissa Mahon, Mayor

Attest:

Missy Harward, City Clerk

TITLE VII – SPECIAL ORDINANCES

CHAPTER 36 VACATING STREETS

[Ord 183]

AN ORDINANCE PROVIDING FOR THE VACATION OF THE EAST HALF OF THE ALLEY ADJOINING LOT 5 IN BLOCK 57 IN THE TOWN OF KEOSAUQUA AND THE SOUTH HALF OF CASS STREET LYING BETWEEN THE EXTENDED CENTERLINE OF THE ALLEY IN BLOCK 57 AND THE EXTENDED EAST LINE OF LOT 5 IN BLOCK 57 IN KEOSAUQUA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KEOSAUQUA, IOWA:

Section 1. Purpose. The purpose of this ordinance is to vacate a portion of an alley and a portion of a street as hereinafter described and thereby relieve the City of Keosauqua, Iowa of the responsibility for its maintenance and supervision.

Section 2. Facts Found. The council of the City of Keosauqua, Iowa, hereby makes the following findings:

1. The described portion of the street is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Vacation will not deny owners of property abutting on the street reasonable access to their property.
3. Notice of the intended vacation, including the date on which the council would first consider the vacating ordinance, was published in a newspaper of general circulation not more than twenty (20) days, nor less than four (4) days prior to the date set for the hearing.

Section 3. Vacation. The following-described real property:

The East half of the alley adjoining Lot 5 in Block 57 in the Town of Keosauqua, Van Buren County, Iowa, as described in a Plat of Survey recorded on September 28, 1994 with the Van Buren County Recorder in Deed Rec. 121, page 119.

AND

The South half of Cass Street lying between the extended centerline of the alley in Block 57 and the extended East line of Lot 5 in Block 57 in the Town of Keosauqua, Van Buren County, Iowa, as described in a Plat of Survey recorded on September 28, 1994 with the Van Buren County Recorder in Deed Rec. 121, page 119.

Subject to easements of record and franchises; and reserving to the City of Keosauqua, Iowa, or its assignees, a perpetual easement over, across and through said real estate for the construction, repair and maintenance of water, sewer and other utility lines and appurtenances,

is hereby declared vacated.

Section 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Ordinance 183

Section 5. Severability Clause. In the event any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. When Effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED and APPROVED by the City Council this 14th day of November, 2023.

Melissa Mahon, Mayor

Attest:

Missy Harward, City Clerk